

# ACTS OF 2021 LEGISLATURE

## Acts 275-339

### ACT No. 275

#### HOUSE BILL NO. 156 BY REPRESENTATIVE FREIBERG AN ACT

To amend and reenact R.S. 11:701(33)(a)(ii)(aa), R.S. 14:403.1(B)(6), R.S. 15:1134(A), R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E), 414.2(A), 416.8(A)(1)(a)(iii), 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)(8), 3166(section heading) and 3602(7), R.S. 18:116(A)(2)(a), and R.S. 42:1119(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 may 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, or may contract for the services of such persons with community service organizations, religious groups, universities and medical schools.

Section 4. R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E), 414.2(A), 416.8(A)(1)(a)(iii), 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)(8), 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:

(aa) Interaction between a student and guidance school counselor as defined in R.S. 17:3002.

#### §7.2. Approved teacher education programs

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

(4) That the institution offering the program provide procedures for student evaluation and counseling such that upon initial entry into the institution each student shall be evaluated with respect to his aptitude and suitability for his intended major academic field by a guidance school counselor assigned to the student in accordance with procedures determined by the institution. The evaluation shall be based upon the student's grade point average in high school, college entrance examination, placement tests where applicable, and any other additional tests or evaluative instruments deemed appropriate by the guidance school counselor. The counselor shall advise the student concerning his aptitude and suitability for particular fields of study, based on his findings from all such tests and instruments. No student shall be required to expend any funds for the administration or taking of any test or evaluative instrument or to take any test or be evaluated by any instrument either of which the student deems invasive of his privacy. Evaluation and counseling shall place particular emphasis on aptitude and suitability for teaching in the case of any student indicating his intention to follow a teacher education curriculum.

#### §24.1. State Department of Education; in-service training programs

K. The state superintendent, through the Regional Service Centers, shall make available to teachers and guidance school counselors, in-service training in current techniques of classroom management and discipline and in the current techniques of counseling and advisement practices.

#### §46. Sabbatical leave program

A.(1)

(b) As used in this Subpart, the words "teacher" or "teaching staff" shall include any social worker, guidance school counselor, school nurse, audiologist, educational diagnostician, speech-language pathologist, or school psychologist employed by a special school who holds the appropriate valid professional ancillary certificate issued by the state Department of Education and who has served in the Special School District for the number of years required for probationary teachers to attain tenure. For a school nurse, a professional ancillary certificate means a Type A, Type B, or Type C certificate.

§392.1. Screening and intervention; purpose; applicability; city and parish school system, duties

E. The screenings required by this Section shall be done directly by elementary guidance school counselors, pupil appraisal personnel, teachers, or any other professional employees of the school system who have been appropriately trained, all of whom shall operate as advocates for the children identified as needing services or assistance pursuant to this Part. No screenings shall be done by persons who have not been trained to do such screenings, consistent with the requirements established for such training by the State Board of Elementary and Secondary Education.

§414.2. Influence by superintendent, principals, and others on student grades; board's duty; limitations on grade changes

A. No school board member, school superintendent, assistant superintendent, principal, guidance school counselor, other ~~teachers~~, ~~teacher~~ or other administrative staff ~~members~~ member of the school or the central staff of a parish or city school board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his teacher except as otherwise specifically permitted by this Section.

#### §416.8. Discipline policy review committees; school option

A.(1)(a) Each city and parish school board shall establish a discipline policy review committee composed of sixteen members as follows:

(iii) Two guidance school counselors to be elected by their peers.

#### §1170. Definitions

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 policy 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.

\* \* \*

(3) A ~~guidance school~~ counselor shall devote not less than two-thirds of each academic school year to the practice of school ~~guidance~~ counseling.

#### §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~~ city, parish, or other local public school system.

#### §3004. Selection and responsibility

The ~~guidance school~~ counselors and counseling directors shall be selected by and be responsible to the local school officials in each ~~parish and city~~ city, parish, or other local public school system.

§3005. Elementary school ~~guidance~~ counselors; availability; guidelines; requirements; ~~guidance counseling~~ services; work time; exceptions; reporting; funding

A. Each ~~parish and city~~ city, parish, or other local public school board shall provide elementary school ~~guidance~~ counselors for all students in kindergarten through grade six in the public elementary schools in the state in accordance with guidelines as established by the State Board of Elementary and Secondary Education. Such guidelines shall require that there shall be one ~~guidance school~~ counselor for every four hundred students.

B. Any elementary school ~~guidance~~ counselor employed by a ~~parish or city~~ school board pursuant to the provisions of this Section shall be certified as required by the state of Louisiana.

C. Such ~~guidance school~~ counselors shall provide preventive and developmental ~~guidance counseling~~ services to all public elementary school

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.

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#### §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

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C. The council shall, with appropriate faculty consultation:

\* \* \*

(8) Develop policies to align articulation and transfer policies established by educational institutions including but not limited to admissions criteria, student ~~guidance and~~ counseling, and grade forgiveness.

\* \* \*

#### §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 thirteenth and fourteenth 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:

(a)

\* \* \*

(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

ACT No. 276

HOUSE BILL NO. 183  
BY REPRESENTATIVE BROWN  
AN ACT

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.

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

| Procedure | Applied Trust Fund Balance Range                                                                                              | Maximum Dollar Amount of "wages" under R.S. 23:1474 | Formula for Computation of Benefits                                                                                                                                                                                                             | Maximum Weekly Benefit Amount                                          |
|-----------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 1         | Less than seven hundred fifty million dollars                                                                                 | Eight thousand five hundred dollars                 | 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 1.03 to formula for computation of benefits                                                                   | Two hundred <del>twenty-one</del> <u>forty-nine</u> dollars            |
| 2         | Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars      | Seven thousand seven hundred dollars                | 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 1.15 to formula for computation of benefits | Two hundred <del>forty-seven</del> <u>seventy-five</u> dollars         |
| 3         | Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars | Seven thousand dollars                              | 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 1.20 to formula for computation of benefits | Two hundred <del>fifty-eight</del> <u>eighty-two</u> dollars           |
| 4         | Greater than one billion four hundred million dollars                                                                         | Seven thousand dollars                              | 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 computation of benefits     | Two <del>hundred eighty-four</del> <u>Three hundred twelve</u> dollars |

§1592. Weekly benefit amount

E. In no event shall the weekly amount paid under this Section be more than ~~two hundred eighty-four~~ three hundred twelve dollars.

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

J.(1) If a claimant is eligible to receive any temporary federal emergency increase in

unemployment compensation benefits in addition to the maximum weekly benefit amounts established in R.S. 23:1474 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 report 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 provisions of R.S. 23:1474(I) 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

ACT No. 277

HOUSE BILL NO. 188  
BY REPRESENTATIVE BEAULLIEU  
AN ACT

To amend and reenact R.S. 40:1165.1(A)(2)(b)(i), relative to medical records of a patient; to provide for persons who may have access to a patient's medical records; to authorize access to medical records by certain insurance companies or their counsel for underwriting purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1165.1(A)(2)(b)(i) is hereby amended and reenacted to read as follows:

§1165.1. Healthcare information; records

- A.
- (2)

(b)(i) Except as provided in R.S. 44:17, a patient or his legal representative or a patient's life, health, disability, or long-term care insurance company or its counsel, with the patient's authorization as defined in R.S. 40:1163.1, or in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient, or after a claim has been made, the insurance company or its counsel, or, after suit has been instituted, defense counsel or a defendant seeking any treatment record, including but not limited to any medical, hospital, laboratory, invoice or billing statement, or other record, including test results, relating to or generated as a result of or in connection to the patient's medical treatment, history, or condition, either personally or through an attorney, shall have a right to obtain a copy of the entirety of the records in the form in which they exist, except microfilm, upon furnishing a signed authorization. If the treatment records exist solely in paper form, paper or digital copies shall be provided upon payment of a reasonable copying charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to three hundred fifty pages, and twenty-five cents per page thereafter, a handling charge not to exceed twenty-five dollars for hospitals, nursing homes, and other health care providers, and actual postage. The charges set forth in this Section shall be applied to all persons and legal entities duly authorized by the patient to obtain a copy of their medical records. If treatment records exist in digital format, copies shall be provided in digital format if requested to be provided in digital format and charged at the rate provided by this Item; however, the charges for providing digital copies shall not exceed one hundred dollars, plus all postage charges actually incurred. If the treatment records exist in both digital form and paper form, the maximum limit of one hundred dollars shall apply only to the portion of records stored in digital form. If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting

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 stamp, coversheet, 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 billing or 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.

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Approved by the Governor, June 15, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 278**

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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 person 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.

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Approved by the Governor, June 15, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 279**

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HOUSE BILL NO. 197  
BY REPRESENTATIVES CHARLES OWEN, AMEDEE, CREWS,  
DEVILLIER, EMERSON, FIRMENT, HORTON, MCCORMICK, RISER, AND  
SCHAMERHORN  
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 dependents of healthcare professionals who relocate to the state; to provide definitions; to provide for licensure based upon holding a license in a different state; to provide for licensure based upon prior work experience; to allow healthcare professional licensing boards to require jurisprudential examinations in certain cases; to provide relative to decisions by licensing boards; to allow for appeals; to provide for preemption; to require promulgation of rules; to provide for exceptions; and 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 certain 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.

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

(2) "Healthcare professional" means a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.

(3) "Professional or occupational licensing board" means any state agency, board, commission, or substantially similar entity, involved in the licensing, certification, or registration of any regulated profession or occupation within this state.

B. Notwithstanding any other provision of law to the contrary, a professional or occupational licensing board shall issue a license, certification, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional in accordance with the provisions of this Section if the healthcare professional has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

C. An applicant who is a dependent of a healthcare professional as provided for in Subsection A of this Section shall apply to the appropriate professional or occupational licensing board pursuant to one of the following:

(1) Licensure by endorsement or reciprocity if provided for in law.

(2) If the applicant holds an out-of-state license but licensure by endorsement or reciprocity is not provided for in law, by providing proof of all of the following:

(a) The applicant holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the professional or occupational licensing board in this state.

(b) The applicant has held the occupational license in the other state for at least one year.

(c) The applicant has passed any examinations, or met any education, training, or experience standards as required by the licensing board in the other state.

(d) The applicant is held in good standing by the licensing board in the other state.

(e) The applicant does not have a disqualifying criminal record as determined by the professional or occupational licensing board in this state in accordance with the laws of this state.

(f) The applicant has not had an occupational license revoked by a licensing board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

(g) The applicant did not surrender an occupational license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state.

(h) The applicant does not have a complaint, allegation, or investigation pending before a licensing board in another state which relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the professional or occupational licensing board in this state shall not issue or deny an occupational license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board in this state.

(i) The applicant pays all applicable fees in this state.

(j) The applicant simultaneously applies for a permanent license. If the applicant fails to qualify for a permanent license as determined by the occupational or licensing board once the permanent application is vetted, any temporary permit shall automatically terminate.

(3) Licensure based on work experience in another state, if all of the following apply:

(a) The applicant worked in a state that does not use an occupational license or government certification to regulate the applicant's occupation, but Louisiana uses an occupational license or government certification to regulate an occupation with a similar scope of practice, as determined by the Louisiana professional or occupational licensing board.

(b) The applicant worked for at least three years in the occupation.

(c) The applicant satisfies the requirements of Subparagraphs (2)(e) through (j) of this Subsection.

D. A professional or occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if required by law or the administrative rules promulgated by the board.

E. The professional or occupational licensing board shall provide the applicant with a written decision regarding the application for a license no later than thirty calendar days after receiving a completed application.

F. The applicant may appeal any action, decision, or determination made by a professional or occupational board pursuant to this Section, including but not limited to the denial of a license or determination of an occupation or similarity of a scope of practice, in accordance with the Administrative Procedure Act.

G. A person who obtains a permit pending normal license, occupational license, or government certification pursuant to this Section shall be subject to the laws regulating the occupation in this state and the jurisdiction of the professional or occupational licensing board in this state.

H. The provisions of this Section shall preempt any laws or ordinances by township, municipal, parish, and other governments in this state which regulate occupational licenses and government certification.

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 in 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 the 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

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**ACT No. 280**

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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)

\* \* \*

(f) 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)

\* \* \*

(d) 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

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**ACT No. 281**

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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, to be comprised of R.S. 13:5213 through 5226, relative to small claims courts; to designate a purpose; to provide for the Online Dispute Resolution Pilot Project Program for the City Court of East St. Tammany; to provide for appointment of a facilitator; to provide for procedures; to provide for procedural deadlines; to provide for filing deadlines; to provide for admissible evidence; to provide for service of process; to provide for fees; to provide for exemptions; to provide for jurisdiction; to provide for settlements; to provide for waiver of right to appeal; to provide for the role of the clerk; to provide for applicability; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5200 is hereby amended and reenacted and 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:

§5200. 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 rather than default; to provide an efficient and inexpensive 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. In an effort to improve access to justice, the Louisiana Supreme Court has initiated 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 process pursuant to R.S. 13:5213, et seq.

\* \* \*

PART XVIII-A. ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM

§5213. Declaration of Purpose

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. 13:5200. In an effort to improve access to justice, the Louisiana Supreme Court has initiated 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. In a court participating in the program, 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. If the court exempts any party from 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 procedure 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. In a court participating in the program, small claims cases shall be initiated by affidavit filed by the plaintiff stating the demand. The affidavit shall include 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 delay, the court shall dismiss the affidavit of claim without 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. 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 on its own motion.

E. Neither written discovery nor deposition upon oral examination shall be allowed in the program. However, the facilitator may communicate privately with any party for the purposes of facilitating a resolution. In addition, 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 either party’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 affidavit of 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**

charge, or if required by local court rule, service of pleadings may be made in accordance with the Code of Civil Procedure.

B. Notwithstanding any other provision of law to the contrary, the affidavit of claim or other process shall contain a notice which provides substantially as follows:

**“ATTENTION!**

**THIS LAWSUIT IS FILED IN THE SMALL CLAIMS COURT, WHICH HAS BEEN REFERRED TO THE ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM.**

**THE ORDINARY RULES OF EVIDENCE DO NOT APPLY IN THE ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM.**

**IF YOUR CLAIM IS NOT SETTLED IN THE ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM, THE CASE WILL BE SET FOR A TRIAL DE NOVO.**

**IF YOU WISH TO FILE AN EXEMPTION FROM PARTICIPATING IN THE ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM DUE TO AN UNDUE HARDSHIP, YOU MUST FILE THE EXEMPTION WITHIN TEN (10) DAYS OF RECEIVING THIS LETTER.**

**IF THE EXEMPTION IS GRANTED, THE CASE WILL BE SET FOR A TRIAL DE NOVO.**

**YOU MAY HAVE THIS CASE TRANSFERRED TO THE REGULAR CIVIL COURT FOR TRIAL IF YOU WISH. TO DO SO, YOU MUST FILE A WRITTEN NOTICE WITH THE CLERK OF THE SMALL CLAIMS COURT AND PAY THE APPROPRIATE TRANSFER FEE WITHIN TEN (10) DAYS OF RECEIVING THIS LETTER.**

**IF YOU ARE UNSURE OF WHAT TO DO, CONTACT THE CLERK OF COURT’S OFFICE OR AN ATTORNEY IMMEDIATELY.”**

C.(1) If the properly addressed certified mail return receipt reply form is signed by the addressee or defendant, then service shall be considered as personal service.

(2) If the properly addressed certified mail return receipt reply form is signed by a person other than the addressee or defendant, then service shall be considered as domiciliary service.

(3) If the properly addressed certified mail return receipt reply form is returned and marked “refused” or “unclaimed” by the addressee or defendant, then service is regarded as tendered and shall be considered as domiciliary service.

D. The facilitator shall request the parties to provide an electronic mail address at which the party is willing to receive service and notice of future proceedings. The facilitator shall advise the parties that once an electronic mail address is provided, all service and notice of future proceedings shall be sent electronically. Service via electronic mail shall constitute personal service.

E. If service of the affidavit of claim or other process is made pursuant to Paragraph (C)(2) of this Section, service of the notice of judgment shall be made as provided by law. If service of the affidavit of claim or other process is made pursuant to Paragraph (C)(3) of this Section service of the notice of judgment shall be made by the sheriff, marshal, or constable having jurisdiction.

#### §5218. Fees

A. The plaintiff, upon filing an affidavit of claim, shall pay as court costs a fee of thirty-five dollars for each party made defendant. No other prejudgment costs, except those required by R.S. 13:10.3, shall be required of the plaintiff so long as the action remains in the program; provided that if the suit is amended or additional service of process is required, the court may require a fee of not more than twenty dollars for each additional service. Additionally, the court may require a fee of not more than twenty dollars for each subpoena issued. In accordance with the provisions of R.S. 49:225, no additional cost or fee shall be required when service of process is required to be made upon the secretary of state so long as the action remains in the program.

B. Costs may be waived for an indigent party who complies with the provisions of Articles 5181 through 5188 of the Code of Civil Procedure.

C. The filing fee of thirty-five dollars shall be paid to the judge of the court as a fee in lieu of all other fees in each such case; however, all costs and expenses incurred shall be paid from the filing fee, except as otherwise provided.

#### §5219. Answer and reconventional demand

A. A defendant shall register for an account within the program, link the claim to an existing account within the program, or seek an exemption from participating in the program within ten days of service of the affidavit of claim.

B. A defendant who seeks an exemption and is denied the exemption shall register for an account within the program or link the claim to an existing account within the program within ten days of receiving the denial.

C. If a defendant fails to register or request an exemption within the delays provided in this Section, the plaintiff may file a motion to enter a default judgment in an amount not to exceed the amount requested in the affidavit of claim.

D. While participating in the program, the defendant may raise and present evidence on any reconventional demand or counterclaim without the need to formally file a demand or claim. The program may result in an agreement with the defendant as the judgment creditor. However, if an agreement or settlement of the claim is not reached, the defendant may file a reconventional demand or counterclaim and pay the appropriate filing fee no later than ten days after referral to the clerk to set the matter for a trial de novo.

#### §5220. Reconventional demand beyond jurisdiction; filing in court of

competent jurisdiction; transfer of proceedings

A. If a defendant has a claim against the plaintiff in such action for an amount over the jurisdiction of the small claims division as provided in R.S. 13:5202, but of a nature which may be asserted by a reconventional demand as authorized by Article 1061 of the Code of Civil Procedure, the defendant may assert his claim in the manner provided by this Section, in order to secure consolidation for trial of the dispute with his own claim.

B. At any time prior to settlement of a claim, the defendant may commence an action against the plaintiff in a court of competent jurisdiction to assert a claim of the nature set forth by R.S. 13:5206(A), and file an affidavit that the reconventional demand is in excess of five thousand dollars with the judge of the small claims division in which the plaintiff has commenced the small claims action.

C. The defendant shall attach to the affidavit a true copy of his petition or reconventional demand so filed and shall pay the clerk of the small claims division a transmittal fee of ten dollars, in addition to the prescribed court costs for filing the reconventional demand, furnishing a copy of the affidavit and pleading to the plaintiff.

D. The judge shall order that the small claims division action be transferred to the ordinary docket of the court set forth in the affidavit, and the judge shall transmit to such court copies of the citation and any pleadings in the small claims action. The actions shall then be consolidated for trial in such other docket or court.

E. The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance, or filing fee; although, upon adverse judgment, he may be taxed with costs as in the case of any other defendant.

#### §5221. Settlement agreement

A. A program facilitator shall guide the parties through the program and assist them 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 facilitator within ten days, the facilitator may notify the defendant of the ability to file a request to dismiss the case.

C. If the parties settle the claim, the parties may request the facilitator prepare the online settlement agreement form to be executed by the parties, which shall set forth the terms agreed to by the parties and will state that if 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.

D. Either party may elect to have the court render a judgment at the time the settlement 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 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 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.

#### §5222. 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 Subsection B of this Section or is transferred as provided in R.S. 13:5220.

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 motion 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.

C. Upon removal 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.

#### §5223. State agencies

The provisions of this Part shall not apply to agencies of the state.

#### §5224. Clerk's role

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 of the small claims division shall prepare the citation summoning the defendant to 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, which includes answering any questions that the parties may have concerning 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. Applicability

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

#### §5226. Termination

This Part shall be null and of no effect on and after August 1, 2025.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 282

SENATE BILL NO. 12  
BY SENATOR BOUIE

Prefiled Pursuant to Article III, Section 2(A)(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:

**§783.1. Orleans Parish; retired clerks of civil district court and clerk's employees; creation of fund**

**A.(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 "OPCOCVDCREIF", 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 retired 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 clerk of Civil District Court of the parish of Orleans to withdraw 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.**

**B. 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, BOUIE, CATHEY, CLOUD, CORTEZ, FIELDS, FOIL, HARRIS, HENRY, HEWITT, JACKSON, JOHNS, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK AND REPRESENTATIVES CORMIER, HORTON, MIKE JOHNSON, LARVADAIN, 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 and safety; to provide for the Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act; to provide relative to legislative intent; to provide definitions; to provide guidelines for training of peer support members; to exempt certain records relating to peace officer and public safety personnel peer support programs from public access; to provide relative to privilege and confidentiality; to provide penalties for violations of the confidentiality provisions of the Act; to provide for civil

immunity under certain circumstances; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 18-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2411, is hereby enacted to read as follows:

**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 the work they perform 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 no less susceptible than any other citizens of Louisiana to 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 in positions to 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, peace officers and public safety personnel are hereby encouraged to seek 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.**

**(4) It is hereby declared to be the public policy of the state of Louisiana to promote and encourage the use of trained peers for support among peace officers and public safety personnel. The intent of this Act is to further this goal by providing for a privilege, confidentiality of information, and tort immunity for governmental entities, their agents, employees, and persons who, on their behalf, furnish information and participate as volunteers in peer support programs for peace officers and public safety personnel.**

**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 the penal, traffic, or highway laws of this state, but does not include any elected or appointed head of a law enforcement department.**

**(b) A sheriff's deputy whose duties include the care, custody, and control of inmates.**

**(c) A military police officer within the Military Department, state of Louisiana.**

**(d) Security personnel employed by the Louisiana Supreme Court.**

**(e) Security personnel employed by a court of appeal of the state of Louisiana.**

**(3) "Peer support member" means a person, whether a peace officer or not, specifically trained and certified in peer support training, 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.**

**(4) "Peer support program" means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.**

**(5) "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 referring a peace officer or public safety personnel for professional intervention or treatment that is beyond the scope of the peer support member. A peer support session also includes a group session following a critical incident experienced by a group of peace officers or public safety personnel.**

**(6) "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.**

(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 as defined in R.S. 40:1131, 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.

(4) 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 one thousand dollars, or imprisoned for not more than six months, or both.

(6) 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 in a peer support session 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, elderly 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 information acquired by him 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, and its employees and agents, 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. 44:4(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 peace officer and public safety personnel peer support program or session conducted by a trained peer support member, as defined in R.S. 40:2411(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

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ACT No. 284

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SENATE BILL NO. 80  
BY SENATOR CLOUD  
AN ACT

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.

Notice of intention to introduce this Act has been published.

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. 47:302 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. An amount equal to the avails of the tax imposed by R.S. 47:321 and 331 shall be allocated to the St. Landry Parish Tourist Commission for use exclusively in planning, development, or capital improvements of tourism sites in the parish of St. Landry.

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

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SENATE BILL NO. 81  
BY SENATOR LUNEAU

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.  
AN 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** 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 6041A(a) 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.**

**(3) 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.**

**C. 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. 46:236.1.1 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

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**ACT No. 286**

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SENATE BILL NO. 125  
BY SENATOR MORRIS  
AN ACT

To amend and reenact R.S. 47:337.10(A)(1) and to enact R.S. 47:305.75 and 337.9(C)(27), relative to local sales and use tax; to provide an exemption from local sales and use tax for the purchase of certain infused prescription drugs; to provide for the applicable diseases and conditions; to provide for limitations; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.10(A)(1) is hereby amended and reenacted and R.S. 47:305.75 and 337.9(C)(27) are hereby enacted to read as follows:

**§305.75. Exemption; infused prescription drugs for treating certain diseases and conditions**

**A. The tax imposed by the political subdivisions of the state shall not apply to the procurement and administration of prescription drugs used exclusively by the patient in his medical treatment when administered exclusively to the patient by a physician, nurse, or other health care professional by infusion in a physician's office where patients are not regularly kept as bed patients for twenty-four hours or more.**

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

- (1) Rheumatoid arthritis.**
- (2) Psoriatic arthritis.**
- (3) Lupus.**
- (4) Chronic gout.**

**(5) Osteoporosis.**

**(6) Multiple sclerosis.**

**(7) Myasthenia gravis.**

**(8) Amyotrophic lateral sclerosis.**

**(9) Chronic inflammatory demyelinating polyneuropathy.**

**(10) Ulcerative colitis.**

**(11) Crohn's disease.**

**(12) Anemia.**

**(13) Chronic or severe asthma.**

**(14) Common variable immune deficiency.**

**(15) Primary immune disorder.**

**(16) Human immunodeficiency virus.**

**(17) COVID-19.**

**(18) Sickle cell disease.**

**(19) Spinal muscular atrophy.**

**(20) Sjogren's syndrome.**

**(21) Huntington's disease.**

**(22) Rett syndrome.**

**(23) Ankylosing spondylitis.**

\* \* \*

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

\* \* \*

C.

\* \* \*

**(27) R.S. 47:305.75, "key words": infused prescription drugs for treating certain diseases and conditions.**

\* \* \*

§337.10. Optional exclusions and exemptions

A. As provided for in R.S. 47:305(D)(5)(c), for the time after July 1, 1999, a taxing authority may by ordinance or resolution provide for the following:

(1) **An Except as provided for in R.S. 47:305.75 and 337.9(C)(27), an exemption 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

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**ACT No. 287**

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SENATE BILL NO. 160  
BY SENATOR ALLAIN AND REPRESENTATIVE BISHOP  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) 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 the calendar year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of ~~April~~ **May**, 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~~ **fifth** month following the close of the fiscal year.

\* \* \*

§201. Partners, not partnership, subject to tax; partnership **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,**

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 a partnership shall be required to file an annual informational partnership return of income in accordance with R.S. 47:103(A)(2).

B. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities.

\* \* \*

**§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:

(1) "Administrative adjustment request" means an administrative adjustment request filed by a partnership pursuant to Section 6227 of the Internal Revenue Code.

(2) "Audited partnership" means a partnership subject to a partnership level audit resulting in a federal adjustment.

(3) "Corporate partner" means a partner that is subject to corporation income tax pursuant to Part II-A of this Chapter.

(4) "Department" means the Department of Revenue.

(5) "Direct partner" means a partner that holds an interest directly in a partnership or pass-through entity.

(6) "Exempt partner" means a partner that is otherwise exempt from taxation under this Chapter that is subject to tax on unrelated business taxable income.

(7) "Federal adjustment" means a change to an item or amount determined under the Internal Revenue Code that is used by a taxpayer to compute Louisiana income tax due whether that change results from action by the IRS, including a partnership level audit, or the filing of an amended federal return, federal refund claim, or an administrative adjustment request by the taxpayer. A federal adjustment is positive to the extent that it increases state taxable income as determined under this Chapter and is negative to the extent that it decreases state taxable income as determined under this Chapter.

(8) "Federal adjustments report" includes methods or forms required and prescribed by the secretary for use by a taxpayer to report final federal adjustments, including an amended Louisiana income tax return, information return, or a uniform multistate report.

(9) "Federal partnership representative" means the person the partnership designates for the taxable year as the partnership's representative or the person the IRS has appointed to act as the federal partnership representative pursuant to Section 6223(a) of the Internal Revenue Code.

(10) "Final determination date" means the following:

(a) Except as provided in Subparagraph (b) of this Paragraph, if the federal adjustment arises from an IRS audit or other action by the IRS, the final determination date is the first day on which no federal adjustments arising from that audit or other action remain to be finally determined, whether by IRS decision with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted. For agreements required to be signed by the IRS and the taxpayer, the final determination date is the date on which the last party signed the agreement.

(b) For federal adjustments arising from an IRS audit or other action by the IRS, if the taxpayer filed as a member of a federal consolidated return or combined Louisiana return as required by the secretary pursuant to R.S. 47:287.480(3), the final determination date means the first day on which no related federal adjustments arising from that audit remain to be finally determined, as described in Subparagraph (a) of this Paragraph, for the entire group.

(c) If the federal adjustment results from filing an amended federal return, a federal refund claim, or an administrative adjustment request, or if it is a federal adjustment reported on an amended federal return or other similar report filed pursuant to Section 6225(c) of the Internal Revenue Code, the final determination date means the day on which the amended return, refund claim, administrative adjustment request, or other similar report was filed.

(11) "Final federal adjustment" means a federal adjustment after the final determination date for that federal adjustment has passed.

(12) "Indirect partner" means a partner in a partnership or pass-through entity that itself holds an interest directly, or through another indirect partner, in a partnership or pass-through entity.

(13) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, and applicable regulations as promulgated by the United States Department of the Treasury.

(14) "IRS" means the Internal Revenue Service of the United States Department of the Treasury.

(15) "Nonresident partner" means an individual, trust, or estate partner that is not a resident partner.

(16) "Partner" means a person that holds an interest directly or indirectly in a partnership or other pass-through entity.

(17) "Partnership" means an entity subject to taxation under Subchapter K of the Internal Revenue Code.

(18) "Partnership level audit" means an examination by the IRS at the partnership level pursuant to Subchapter C of Chapter 63 of Subtitle F of the Internal Revenue Code, as enacted by the Bipartisan Budget Act of 2015, Public Law 114-74, that results in federal adjustments.

(19) "Pass-through entity" means an entity, other than a partnership, that is not subject to tax under this Chapter.

(20) "Reallocation adjustment" means a federal adjustment resulting from a partnership level audit or an administrative adjustment request that changes the shares of one or more items of partnership income, gain, loss, expense, or

credit allocated to direct partners. A positive reallocation adjustment means the portion of a reallocation adjustment that would increase federal income for one or more direct partners, and a negative reallocation adjustment means the portion of a reallocation adjustment that would decrease federal income for one or more direct partners pursuant to Section 6225 of the Internal Revenue Code.

(21) "Resident partner" means an individual, trust, or estate partner that is a resident of Louisiana for the relevant tax period. For individuals, the term "resident" has the same meaning as in R.S. 47:31. For trusts and estates, the term "resident" has the same meaning as in R.S. 47:300.10.

(22) "Reviewed year" means the taxable year of a partnership that is subject to a partnership level audit from which federal adjustments arise.

(23) "Secretary" means the secretary of the Department of Revenue.

(24) "Taxpayer" has the same meaning as in R.S. 47:2 and, unless the context clearly indicates otherwise, includes a partnership subject to a partnership level audit or a partnership that has made an administrative adjustment request, as well as a tiered partner of that partnership.

(25) "Tiered partner" means any partner that is a partnership or pass-through entity.

(26) "Unrelated business taxable income" has the same meaning as in Section 512 of the Internal Revenue Code.

B. Reporting adjustments to federal taxable income, general rule.

Except in the case of final federal adjustments that are required to be reported by a partnership and its partners using the procedures in Subsection C of this Section, a taxpayer shall report and pay any Louisiana income tax due with respect to final federal adjustments arising from an audit or other action by the IRS or reported by the taxpayer on a timely filed amended federal income tax return, including a return or other similar report filed pursuant to Section 6225(c)(2) of the Internal Revenue Code, or to a federal claim for refund by filing a federal adjustments report with the secretary for the reviewed year and, if applicable, paying the additional Louisiana income tax owed by the taxpayer no later than one hundred eighty days after the final determination date.

C. Reporting federal adjustments, partnership level audit and administrative adjustment request. Except for negative federal adjustments required under federal law or regulations to be taken into account by the partnership in the partnership return for the adjustment or other year, and the distributive share of adjustments that have been reported as required pursuant to Subsection B of this Section, partnerships and partners shall report final federal adjustments arising from a partnership level audit or an administrative adjustment request and make payments as required pursuant to this Subsection.

(1) State partnership representative.

(a) With respect to an action required or permitted to be taken by a partnership under this Subsection or a proceeding under Chapters 17 or 18 of this Subtitle with respect to that action, the state partnership representative for the reviewed year shall have the sole authority to act on behalf of the partnership, and the partnership's direct partners and indirect partners shall be bound by those actions.

(b) The state partnership representative for the reviewed year is the partnership's federal partnership representative unless the partnership designates in writing another person as its state partnership representative.

(c) The secretary may establish reasonable qualifications for and procedures for designating a person, other than the federal partnership representative, to be the state partnership representative.

(2) Reporting and payment requirements for partnerships subject to a final federal adjustment and their direct partners. Final federal adjustments subject to the requirements of this Subsection, except for those subject to a properly made election under Paragraph (3) of this Subsection, shall be reported as follows:

(a) No later than ninety days after the final determination date, the partnership shall both:

(i) File a completed federal adjustments report, including information as required by the secretary, with the department.

(ii) Notify each of its direct partners of their distributive share of the final federal adjustments including information as required by the secretary.

(b) No later than one hundred eighty days after the final determination date, each direct partner that is taxed under this Chapter shall both:

(i) File a federal adjustments report reporting their distributive share of the adjustments reported to them under Item (a)(ii) of this Paragraph as required under this Chapter.

(ii) Pay any additional amount of tax due as if final federal adjustments had been properly reported, plus any penalty and interest due under Part IV of Chapter 18 of this Subtitle, and less any credit for related amounts paid or withheld and remitted on behalf of the direct partner by the partnership.

(3) Partnership election to pay on behalf of partners. Subject to the limitations in Subparagraph (c) of this Paragraph, an audited partnership making an election under this Paragraph shall:

(a) No later than ninety days after the final determination date, file a completed federal adjustments report, including information as required by the secretary, and notify the department that it is making the election under this Paragraph.

(b) No later than one hundred eighty days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners:

(i) Exclude from final federal adjustments the distributive share of these adjustments reported to a direct exempt partner not subject to tax under R.S. 47:287.501 with the exception of unrelated business taxable income.

(ii) For the total distributive shares of the remaining final federal adjustments reported to direct corporate partners subject to tax under Part II-A of this

Chapter and to direct exempt partners subject to tax under this Chapter on unrelated business taxable income, apportion and allocate the adjustments as provided under Part II-A of this Chapter, 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 tiered partners:

(aa) Determine the amount of the adjustments which is of a type that it would be subject to sourcing to the state under Subpart F of Part II of this Chapter and then determine the portion of this amount that would be sourced to the state applying the provisions of this Section.

(bb) Determine the amount of the adjustments which is of a type that it would not be subject to sourcing to Louisiana by a nonresident partner under R.S. 47:290(B).

(cc) Determine the portion of the amount determined in Subclause (b) that can be established, under regulation issued by the secretary, to be properly allocable to nonresident indirect partners or other partners 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.

(v) Multiply the total of the amounts determined in Subparagraphs (a) and (b) of this Paragraph reduced by the amount determined in Subparagraph (c) of this Paragraph by the highest tax rate under R.S. 47:32 for individuals and R.S. 47:300.1 for trusts and estates.

(vi) For the total distributive shares of the remaining final federal adjustments reported to resident direct partners subject to tax under Part III and Part VI of this Chapter, multiply that amount by the highest tax rate under R.S. 47:32 for individuals and R.S. 47:300.1 for trusts and estates.

(vii) Add the amounts determined in Items (ii), (iii), (v), and (vi) of this Subparagraph, along with penalty and interest as provided in Part IV of Chapter 18 of this Subtitle.

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

(i) The distributive share of final audit adjustments that under Subpart D of Part 1 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 can reasonably determine this.

(ii) Any final federal adjustments resulting from an administrative adjustment request.

(d) An audited partnership not otherwise subject to any reporting or payment obligation to Louisiana that makes an election under this Paragraph consents to be subject to Louisiana laws related to reporting, assessment, payment, and collection of Louisiana income tax calculated under this election.

(4) Tiered partners. The direct and indirect partners of an audited partnership that are tiered partners, and all of the partners of those tiered partners 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 shall make required 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 6226 of the Internal Revenue Code and the regulations thereunder. The secretary 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.

(5) Modified reporting and payment method. Under procedures adopted by and subject to the approval of the secretary, an audited partnership or tiered partner may enter into an agreement with the department to utilize an alternative reporting and payment method, including applicable time requirements or any other provision of this Subsection, if the audited partnership or tiered partner demonstrates that the requested method will reasonably provide for the reporting and payment of taxes, penalties, and interest due under the provisions of this Subsection, or if the audited partnership or tiered partner can show that their direct partners have agreed to allow a refund of the state income tax to be issued to the entity. Application for approval of an alternative reporting and payment method shall be made by the audited partnership or tiered partner within the time for election as provided in Paragraphs (3) or (4) of this Subsection.

(6) Effect of election by an audited partnership or tiered partner and payment of amount due.

(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 Subparagraph (3)(b) of this Subsection, or similarly under an optional election under Paragraph (5) of this Subsection, will be treated as paid in lieu of income taxes owed by its direct and indirect partners, to the extent applicable, on the same final federal adjustments. The direct partners or indirect partners may not take any deduction or credit for this amount or claim a refund of the amount in this state. Nothing in this Subparagraph shall preclude a direct resident partner from claiming a credit against taxes paid to this state pursuant to the provisions of this Chapter for any amounts paid by the audited partnership or tiered partner on the resident partner's behalf to another state in accordance with the provisions of R.S. 47:33.

(7) Failure of audited partnership or tiered partner to report or pay. Nothing in this Subsection prevents the department from assessing direct partners or indirect partners for taxes they owe, using the best information available, if a partnership or tiered partner fails to timely make any report or payment required by this Subsection for any reason.

D. De minimis exception. The secretary may promulgate rules and regulations to establish a de minimis amount upon which a taxpayer shall not be required to comply with Subsections B and C of this Section.

E. Prescriptive period for assessments of additional tax, interest, and penalties arising from adjustments to federal taxable income. The department shall assess additional tax, interest, and penalties arising from final federal adjustments arising from an audit by the IRS, including a partnership level audit, or reported by the taxpayer on an amended federal income tax return, or as part of an administrative adjustment request by the following dates:

(1) Timely reported federal adjustments. If a taxpayer files with the department a federal adjustments report or an amended Louisiana income tax return as required within the period specified in Subsections B and C of this Section, the department may assess any amounts, including in-lieu-of amounts, taxes, interest, and penalties arising from those federal adjustments if the department issues a notice of the assessment in accordance with R.S. 47:1561(A)(1) to the taxpayer on or before either of the following dates:

(a) The expiration of the prescriptive period specified in La. Const. Art. VII, Sec. 16.

(b) The expiration of the one-year period following the date of filing with the department of the federal adjustments report.

(2) Untimely reported federal adjustments. If the taxpayer fails to file the federal adjustments report within the period specified in Subsections B or C, as appropriate, or the federal adjustments report filed by the taxpayer omits final federal adjustments or understates the correct amount of tax owed, the department may assess amounts or additional amounts including in-lieu-of amounts, taxes, interest, and penalties arising from the final federal adjustments, if it mails a notice of the assessment in accordance with R.S. 47:1561(A)(1) to the taxpayer by a date that is the latest of:

(a) The expiration of the prescriptive period specified in La. Const. Art. VII, Sec. 16.

(b) The expiration of the one-year period following the date the federal adjustments report was filed with the department.

(c) Absent fraud, the expiration of the six-year period following the final determination date.

F. Estimated tax payments during the course of a federal audit. A taxpayer may make estimated payments to the department, following the process prescribed by the department, of the state tax expected to result from a pending IRS audit prior to the due date of the federal adjustments report. The estimated tax payments shall be credited against any 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 state 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. 47:1624 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. 47:1621.

G. Claims for refund of an overpayment of tax arising from final federal adjustments made by the IRS or by an administrative adjustment request.

(1) 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 tax arising from final federal adjustments on or before the later of:

(a) The expiration of the last day for filing a claim for refund of tax pursuant to R.S. 47:1623, including any extensions under Subsection H of this Section.

(b) One year from the date a federal adjustments report prescribed in Subsections B or C of this Section, as applicable, was due to the department, 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 and its tiered partners, direct partners, and indirect partners, to report additional tax due, report a claim for refund of tax, and make other adjustments, including to its net operating losses, resulting from adjustments to the taxpayer's federal taxable income.

(2) Any overpayment refunded to the partnership under Subsection C of this Section is in lieu of any state income tax refund that would otherwise be owed to the partners.

H. Scope of adjustments and extensions of time.

(1) Unless otherwise agreed in writing by the taxpayer and the secretary, any adjustments by the department or by the taxpayer made after the expiration of the prescriptive period provided in La. Const. Art. VII, Sec. 16 are limited to changes to the taxpayer's tax liability arising from federal adjustments.

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

(a) Automatically, upon written notice to the department, by sixty days for an 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

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.

I. 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.

J. 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.  
(3) 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 state 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. 47:1624 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. 47:1621.

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

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ACT No. 288

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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. 39:1755(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; 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 is 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. 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 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 unless the equipment is from a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act as provided in this Section. Agencies and certain educational entities of the state, as defined in R.S. 39:1753.1(A), shall not procure prohibited telecommunications or video surveillance equipment or services as defined in R.S. 39:1753.1(A).

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 and 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 not prohibited 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 shall be made from a vendor or other entity who fails to provide the documentation required in Subsection B of this Section. Any award of a bid to a contractor or purchase or contract to purchase procurement of prohibited telecommunications or video surveillance equipment or services as defined in R.S. 39:1753.1(A), or other procurement in violation of this Section, shall be null and void.

D. This Section shall apply only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers.

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 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 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 unless the equipment is from a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act as provided in this Section. Definitions. For the purposes of this Section, the words defined in this Subsection shall have the meanings set forth below:

(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. 39:1556.

(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 surveillance equipment or telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, 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 an entity found to be owned, controlled, or otherwise connected to the government of the People's Republic of China, as described in Section 889(f)(3)(D) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

(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 is regularly connected to a network.

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

(e) 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, shall be prohibited telecommunications or video surveillance equipment pursuant to this Section.

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

B. Agencies and certain educational entities of the state, as defined in Subsection A of this Section, shall not procure prohibited telecommunications or video surveillance equipment or services as defined in Subsection A of this Section.

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 and 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, are not prohibited telecommunications or video surveillance equipment or services as defined in Subsection A of this Section.~~

~~E.D. No award of any bid or purchase procurement shall be made from a vendor or other entity who fails to provide the documentation required in Subsection B C of this Section. Any award of a bid to a contractor or purchase or contract to purchase procurement of prohibited telecommunications or video surveillance equipment or services as defined in Subsection A of this Section, or other procurement in violation of this Section shall be null and void.~~

~~E. This Section shall apply only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers.~~

~~Section 3. R.S. 39:1755(5) is hereby repealed.~~

~~Approved by the Governor, June 15, 2021.~~

~~A true copy:~~

~~R. Kyle Ardoin  
Secretary of State~~

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**ACT No. 289**

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SENATE BILL NO. 53  
BY SENATOR HARRIS

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

AN ACT

To amend and reenact R.S. 13:996.67(C)(4), relative to the Civil District Court for the parish of Orleans judicial building fund; to provide for the addition of the assessor's office to the list of parochial offices that will be housed in the new Civil District Court for the parish of Orleans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:996.67(C)(4) is hereby amended and reenacted to read as follows:

\$996.67. Judicial building fund \* \* \*

C.(1) \* \* \*

(4) The monies generated pursuant to this Section shall be forwarded by the clerk of court and sheriff to the fiscal agent bank chosen by the commission to be held in the courthouse construction fund. Any funds currently on deposit to the separate account of the judicial expense fund from the costs and charges authorized by this Section shall be transferred at the discretion of the commission to the courthouse construction fund held by the commission's fiscal agent. These monies deposited to the courthouse construction fund shall be dedicated to the design, planning, feasibility, acquisition, construction, equipping, operating, and maintaining a new facility to house the Civil District Court for the parish of Orleans, the offices of the clerk of court for Civil District Court for the parish of Orleans, the First City Court, the clerk of the First City Court, the constable of the First City Court, the office of the civil sheriff, the Orleans Parish Juvenile Court, the mortgage office, the conveyance office, the notarial archives, **the office of the assessor**, and such other courts and parochial offices as may be necessary. No monies generated pursuant to this Section shall be used for payment of any bonded indebtedness involving site acquisition or construction of a new facility unless approved by the Joint Legislative Committee on the Budget and the State Bond Commission.

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 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 290**

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SENATE BILL NO. 76  
BY SENATOR TALBOT

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

AN ACT

To enact R.S. 26:794.1, relative to the Office of Alcohol and Tobacco Control; to provide relative to permits; to provide for exception permits for certain establishments; to provide for qualifications and limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 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. 26:80 and 280 may be issued a permit exception for hotel and lodging establishments, hereinafter referred**

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

to as the "permit", for any establishment which consists of sleeping rooms, cottages, or cabins.

**B.(1) An applicant for the permit shall do all of the following:**

**(a) Meet all requirements of R.S. 26:80, 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.**

**(2) 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) If 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) If 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.**

**(3) The applicant shall comply with all of the following with respect to its operations:**

**(a) The applicant shall prohibit any person under eighteen years of age from sitting or loitering at any bar on the premises.**

**(b) 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.**

**(c) The applicant shall solely control all alcohol sold and served.**

**(d) 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.**

**(e) 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.**

**(f) Samplings may be conducted in accordance with the site sampling regulations.**

**(g) 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. 26:931 et seq.**

**(h) 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.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 291**

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SENATE BILL NO. 96  
BY SENATOR LAMBERT

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

AN ACT

To amend and reenact R.S. 30:2418(H)(1) and to enact R.S. 30:2418.1 and 2418.2, relative to the waste tire program in the Department of Environmental Quality; to authorize the establishment of standards, requirements, and permitting procedures; to provide for waste tire generators; to authorize the promulgation of rules, regulations, and guidelines; to require certain generators of waste tires to obtain generator identification numbers; to require certain transporters to obtain a certificate; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2418(H)(1) is hereby amended and reenacted and R.S. 30:2418.1 and 2418.2 are hereby enacted to read as follows:

§2418. Waste tires

\* \* \*

H. The secretary shall promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program provided for in this Chapter, which shall be subject to legislative review and approval by the Senate Committee on Environmental Quality and the House Committee on Natural Resources and Environment. The rules, regulations, and guidelines

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 13**

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, 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 twenty 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 transporter 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(30).**

**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 person 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(30).**

**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

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ACT No. 292

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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 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 growth.

**B. 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 an 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 ending on the last day of the month 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.

(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 G 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 first day of the month immediately following the date of the application and shall begin no later than ninety days 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.

**C. 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(I) 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 taxpayer has received a port credit pursuant to this Section. A recipient of import-export cargo tax credits as provided in R. S. 47:6036(I) 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 of cargo imports through the applicable public port for the applicant's base cargo volume period.

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

(c) Port credits are earned based upon actual cargo volumes transiting the applicable public port during the port credit incentive period and the certification of actual cargo volumes as set forth in Subsection E of this Section.

(d) A port facility user that is awarded port credits pursuant to this Section shall not be entitled to claim more port credits than are approved by the Department of Economic Development for that particular port facility user.

**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 port facility user's application. If the applicant is a new port facility user, the applicant shall propose a base cargo volume, subject to approval by the Department of Economic Development.

(2) Certification of actual cargo volumes. Within ninety days of the end of the port credit incentive period, the port facility user shall file a certification of 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 the deadline. 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.

**F. Award of port credits by project agreement.**

**(1) Port credits may be allocated by the governor and awarded by 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.**

**(2) Notwithstanding approval by the Department of Economic Development, 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.**

**(3) 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.**

**(4) 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.**

**G. Utilization of port credits.**

**(1) 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.**

**(2) 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. 47:6036(D)(2)(a)(i).**

**I. Recovery of Credits. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the Department of Revenue through any collection remedy authorized by R.S. 47:1561.3.**

**J. Rules. The Department of Economic Development may promulgate rules and regulations in accordance with 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:

R. Kyle Ardoin  
Secretary of State

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ACT No. 293

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SENATE BILL NO. 223

BY SENATOR JOHNS AND REPRESENTATIVE DAVIS

Prefiled Pursuant to Article III, Section 2(A)(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. 45:1237 through 1240 and Subparts B and C of Part VIII of Chapter 9 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 issuers of 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 mode of 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 payments; 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 ~~1236~~ 1240, the Louisiana Electric Utility Storm Recovery Securitization Act, expressly governs the creation, perfection, priority, or enforcement of a security interest in storm recovery property as defined therein or any interest or right in any storm recovery property, but except to the extent contrary to express provisions in said the 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 bankruptcy**

**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 by this Part in financing storm recovery costs 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 of storm recovery costs pursuant to this Part is hereby recognized to be a valid public purpose for the corporation. The corporation may negotiate and become a party to such contracts as are necessary, convenient, or desirable 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.**

**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 approved by the commission, pursuant to the procedures established by commission regulations or orders, as applicable. If authorized in a commission order, the corporation may purchase storm recovery property from an electric utility by using the net proceeds of storm recovery bonds that were loaned to the corporation by the issuer of storm recovery bonds that were approved by a financing order. 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.**

**D. In addition to the restrictions required by R.S. 45:1324, the governing board of the corporation shall be prohibited from authorizing any rehabilitation, liquidation, or dissolution of the corporation, and no such rehabilitation, liquidation, or dissolution of the corporation shall take effect, as long as any storm recovery bonds issued in a transaction involving the corporation are outstanding, unless adequate protection and provision has been made for the payment of the bonds pursuant to the documents authorizing the issuance of the bonds. Prior to the date that is two years and one day after which the corporation no longer has any payment obligation outstanding to any issuer of storm recovery bonds, the corporation shall be prohibited from filing and shall have no authority to file a voluntary petition under the Federal Bankruptcy Code, as it may, from time to time, be in effect, and neither any public official nor any organization, entity, or other person shall authorize the corporation to be or to become a debtor under the Federal Bankruptcy Code during such period. The provisions of this Subsection shall be part of any contractual obligation owed to the holders of storm recovery bonds issued under this Part involving the corporation. Any such contractual obligation shall not subsequently be modified by state law during the period of the contractual obligation, and the state of Louisiana and the Louisiana Legislature hereby covenant with the holders that the state and any public instrumentality thereof and the Louisiana Legislature shall not limit or alter the denial of authority pursuant to this Subsection during the period referred to in this Subsection.**

**E.(1) When the corporation is involved in the issuance of storm recovery bonds, the corporation shall pledge to, and agree with, the financing parties that until the storm recovery bonds and any ancillary agreements have been paid and performed in full, the corporation shall not do any of the following:**

**(a) Take or permit any action that impairs or would impair the value of storm recovery property.**

**(b) Except as allowed pursuant to this Paragraph and except for adjustments under any true-up mechanism established by the commission, reduce, alter, or impair storm recovery charges that are to be imposed, collected, and remitted for the benefit of the financing parties, until all principal, interest, premium, financing costs and other fees, expenses, or charges incurred, and any contracts to be performed, in connection with the related storm recovery bonds have been paid and performed in full. Nothing in this Paragraph shall preclude limitation**

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 Part, 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 Part 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 granted by the corporation or by a governmental unit issuer. The provisions of this Section and R.S. 45:1239 shall not be interpreted to conflict with or modify the provisions of R.S. 10:9-109(c)(6) and R.S. 45:1230 through 1232. Financing statements referenced in this Part where the debtor, buyer, or secured party 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 proceedings along with the pertinent utility.

**§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. Notwithstanding any 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. 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.

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

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

**§1240. Additional authority**

A. The provisions of R.S. 45:1237 through 1239 shall be additional and alternative authority and shall provide the full method together with the other provisions of this Part for the exercise of the powers herein granted and accomplishment of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. All rights and powers herein granted by this Part to the corporation and the issuers of storm recovery bonds shall be cumulative with those derived from other sources and shall not, except as expressly stated herein, be construed in limitation thereof.

B. A utility may finance storm recovery costs pursuant to R.S. 45:1237 through 1239 that were incurred prior to the effective date of those Sections. To the extent that a utility has made application for a determination of eligible storm recovery costs prior to the effective date of R.S. 45:1237 through 1239, that application may provide the basis in part for the commission's financing order relying in part upon those Sections.

Section 3. Subparts B and 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:

#### **SUBPART B. SPECIAL PUBLIC TRUSTS**

**§1331. 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, thereby minimizing the cost to ratepayers, is a valid public purpose. Supporting 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 valid public purpose in the best interests 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 additional alternate financing technique to support the financial strength and stability of utility companies that have undertaken past, and will undertake future, utility system restoration. Therefore, the Louisiana Utilities Restoration Corporation may create special public trusts for the purpose of providing an alternate financing mechanism available to the Public Service Commission and the council of the city of New Orleans, as applicable, to attract low-cost capital to finance utility system restoration and capital investments and contributions

to financially strengthen and stabilize utilities. Special public trusts are nonbusiness entities authorized by this Subpart as a special type of public corporation.

C. The purpose of this Subpart is to minimize costs charged to ratepayers for system restoration costs by providing the corporation with a beneficial interest in a trust that the corporation shall pledge as further security for its obligations to the issuer of the system restoration bonds. The alternate financing technique contemplated by this Subpart used in conjunction with Subpart A of this Part enables the corporation to finance, directly or indirectly, system restoration costs with low-cost capital. Financing of system restoration costs using this alternate financing technique pursuant to this Subpart will additionally safeguard the system restoration bonds so issued and reduce costs to ratepayers. The Louisiana Legislature further finds that this alternate financing technique is a valid public purpose.

D. Securitization financings pursuant to this Subpart, if authorized by the commission in its sole discretion, shall include a commitment by the related utility that the proceeds from the issuance of the system restoration bonds shall be in lieu of recovery of system restoration costs through the regular rate making process to the extent of those securitization financing proceeds.

**§1332. Definitions**

For purposes of this Subpart, the terms defined in R.S. 45:1312 have the same meaning in this Subpart, except where a term is expressly modified in this Subpart, and as used in this Subpart:

(1) "Affiliate" means, when used with reference to a specified person, an entity that directly or indirectly through one or more intermediaries controls or is controlled by or is under common control with the entity specified. For the purpose of this term, "control", "controlled by", and "under common control with", means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an entity whether through the ownership of voting securities, by contract, or otherwise.

(2) "Contributed proceeds" means the monies contributed by the corporation to a trust. In each instance, the contributed proceeds shall be the amount of the net proceeds received by the corporation from an issuance of system restoration bonds in accordance with the terms of a financing order.

(3) "Pledgee" means an issuer as pledgee of the corporation or an applicable financing party as pledgee of an issuer.

(4) "Preferred interests" means preferred equity interests in a utility affiliate that pay preferred dividends to the trust that purchased those preferred equity interests.

(5) "Purchase proceeds" means the proceeds received by a utility affiliate from the sale of its preferred interests to a trust.

(6) "Related bonds" means, with respect to a trust, the system restoration bonds that funded the net proceeds transferred by an issuer to the corporation and then contributed by the corporation to that trust.

(7) "Related utility" means, with respect to a trust, the utility that is a beneficiary of such trust and that obtains a financing order pursuant to this Subpart. The related utility shall be an affiliate of the utility affiliate that sells its preferred interests to such trust for purchase proceeds.

(8) "Trust" means an express special public trust created only pursuant to and in compliance with the provisions of this Subpart. A trust for purposes of this Subpart shall not be an issuer of system restoration bonds and shall not be created pursuant to the public trust law, R.S. 9:2341 et seq.

(9) "Trust agreement" means, with respect to a trust, the written instrument that created the trust together with all proper amendments.

(10) "Utility affiliate" means an affiliate of the utility that obtains a financing order pursuant to this Subpart.

**§1333. Additional powers of the corporation and the commission**

A. The corporation may create express special public trusts for the furtherance and accomplishment of the corporation's function and purpose pursuant to this Part.

B. (1) Notwithstanding any provisions to the contrary in Subpart A of this Part, including without limitation R.S. 45:1316(A), R.S. 45:1318(C)(5)(a) and (E), and 45:1322(B), (D), and (E), a financing order may require that the corporation shall contribute to a trust all of the net proceeds from the issuance of system restoration bonds and the trust shall use all such contributed proceeds to purchase preferred interests from a utility affiliate of the related utility.

(2) Notwithstanding any provisions to the contrary in Subpart A of this Part, R.S. 45:1318(C)(5)(a) and 45:1321(K) shall not apply to securitization financing pursuant to this Subpart and a utility affiliate that sells its preferred interests to a trust shall use those purchase proceeds for corporate purposes supporting the related utility's financial strength and stability and thereby promote the economic welfare of the citizens of the state.

(3) In order for this Subpart to be used, a utility shall request in its application to the commission pursuant to R.S. 45:1318, or in a supplement thereto, that a trust shall be used by the corporation in its distribution of system restoration bonds' proceeds.

C. A financing order may create system restoration property pursuant to 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. 45:1337(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 as a beneficiary, subject to the express conditions and requirements set forth in the financing order that, upon receipt of the purchase proceeds by the utility affiliate from that trust, such related utility shall do all of the following:

(1) Set aside in a restricted escrow account, in an amount and manner required by the commission, any monies or investments used to fund the related utility's



storm damage reserve.

(2) Not seek to recover the system restoration costs approved by that applicable financing order, to the extent of the 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 government grants, or similar source of permanent reimbursement received by the related utility after the issuance of the financing order relating to that same system restoration activity and those same system restoration costs.

D. A financing order that is issued pursuant to this Subpart shall require that, upon receipt of the purchase proceeds by a utility affiliate, the related utility fully release any claims or rights that the related utility has to recover, in any manner, from its commission-jurisdictional customers any of the system restoration costs covered by the financing order, to the extent of the amount of the related bonds' proceeds.

§1334. Special public trusts authorized; powers and duties for the special public trust; expenditures; limitations of the special public trust; public records law; domicile; subject to legislative audit; liability protection for beneficiaries

A. The corporation may create trusts in movable property, with the corporation and a utility as the two beneficiaries thereof, by and with the express approval of the commission, including authorization in a financing order. A trust shall own, administer, and distribute the trust property contributed and earned for the benefit of its beneficiaries and, when applicable, a pledgee. The operations and activities of a trust shall be managed by an independent trustee pursuant to R.S. 45:1338. A trust is a separate juridical person and only the trust owns the trust property.

B. 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 the debt of a trust.

C. No funds of the corporation or the commission shall be charged with or expended for the operation of a trust. The costs of creating a trust incurred before its trust agreement becomes effective may be included in issuance costs if the commission so provides in a financing order. The costs associated with the operation of a trust after it is organized pursuant to R.S. 45:1335, shall be paid solely from the related utility's share of the dividend income or redemption proceeds from preferred interests, as provided in R.S. 45:1338.

D. A public 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 not and shall not be a political subdivision, nor a department, unit, agency, board, or commission of the state. Assets of a trust shall not be considered part of the general fund of the state or any other fund in the state treasury. The state, the commission, and the corporation shall not budget for or provide appropriations to a trust. The monies of each trust created under this Subpart shall be maintained by that trust as a separate and special fund, separate and apart from the funds of the corporation or other trusts. A trust shall perform only those functions consistent with this Subpart and shall exercise its powers through its trustee established under its trust agreement in accordance with R.S. 45:1338. A trust shall have the power only to engage in activities necessary to accomplish its purposes as expressed in this Subpart, and in its trust agreement, or which may be incidental thereto, including the authority to sue and be sued, and to make contracts. A trust shall not apply any contributed proceeds of system restoration bonds or proceeds from distributions in respect of preferred interests to any purpose not specified in its approved trust agreement, or to any purpose in excess of the amount allowed for such purpose in its approved trust agreement, or to any purpose in contravention of a commission order. A trust created pursuant to this Subpart shall be a special purpose public corporation of the Louisiana Utilities Restoration Corporation. This special purpose status does not affect or diminish the rights, powers, duties, and remedies of the trustee and the beneficiaries, as determined by the provisions of the trust agreement and as expressly provided in this Subpart. The special purpose status does not apply for purposes of applicable federal and state taxation laws. A trust created pursuant to this Subpart functions as a trust with respect to its beneficiaries and is not a corporation or business entity formed under the Business Corporation Act. A trust's primary purpose is to preserve the trust property as provided for in this Subpart. A trust is intended to be a trust for federal income tax purposes and shall not be a partnership or corporation for federal or state tax purposes. A trust shall not be subject to the state franchise tax.

E. A trust created under this Subpart shall be subject to the Public Records Law, R.S. 44:1 et seq.

F. The domicile of a trust shall be the parish of East Baton Rouge.

G. The books and accounts of a trust shall be subject to examination by the legislative auditor. Every trust agreement shall provide for an annual, independent audit of the trust by a certified public accountant.

H. 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.

§1335. Mode of creation; acceptance of beneficial interests; amendments

A. A trust shall be created, organized, structured, and empowered by a written instrument, which shall be in accordance with this Subpart. A trust agreement shall be subscribed by the corporation as settlor by authentic act or by act under private signature executed in the presence of two witnesses and duly acknowledged by the settlor or by the affidavit of one of the attesting witnesses. A trust agreement shall become effective upon acceptance by the trustee and the beneficiaries as provided in this Section. A trust's existence as a juridical

person begins, and the trust is duly organized, when its trust agreement becomes effective, even if no property is contributed to that trust until a later time. Upon effectiveness, a trust agreement shall be and constitute a binding contract among the corporation as settlor, the beneficiaries and the trustee, 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 operation for the purposes and in accordance with the stipulations of the approved trust agreement. A trust agreement shall not be an ancillary agreement as defined in R.S. 45:1312(1).

B. Before the execution of a trust agreement, that instrument shall be approved by the commission in a financing order, or by the use of an approval method provided in a financing order.

C. Before a trust agreement and a trust become effective, the trust agreement shall be accepted by the trustees and the beneficiaries. The trustee may accept the trust in the trust agreement, or in a separate written instrument within a reasonable amount of time after the trust agreement's execution. Each beneficiary may accept the trust in the trust agreement or by written acceptance of the beneficial interest endorsed thereon. The corporation settlor and the related utility shall be the trust's only beneficiaries.

D. Promptly after a trust agreement takes effect, the trust agreement, together with any separate written acceptances, shall be recorded in the conveyance records of the clerk of court of the parish of East Baton Rouge.

E. A trust agreement may be modified, amended, terminated, or rescinded only with the express approval of the commission, the corporation, the beneficiary-related utility, and its trustee. Each amendment to a trust agreement shall be recorded in the conveyance records of the clerk of court of the parish of East Baton Rouge.

F. A trust shall have duration for the term specified in the trust agreement. Notwithstanding any provisions of the trust agreement or the provisions of Subsection E of this Section, no termination, rescission, rehabilitation, liquidation, or dissolution of a trust shall take effect as long as any of the related bonds are outstanding. Upon termination, the trustee shall file a certificate of termination of the trust agreement in the conveyance records of the clerk of court of the parish of East Baton Rouge.

G. Each trust agreement shall establish a name for its trust that is distinguishable from the name of every other trust previously created by the corporation and from the name of any entity registered with the secretary of state. The name shall not imply that the trust is a political subdivision or an administrative agency of this state.

§1336. Regulation by the commission

A. The commission shall regulate each trust concomitant with the commission's regulation of the related utility. Notwithstanding such regulation, a trust shall not be considered a public utility and shall not be considered an agent of any utility.

B. Any expenses of examination by the commission shall be charged only to the trust being examined and recovered only from the related utility's share of the distributions or redemptions in respect of the preferred interests held by that trust as provided in R.S. 45:1338.

§1337. Permitted use of funds

A. A trust shall perform only those functions consistent with and effectuate only the purposes set forth 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 the provisions of R.S. 45:1318(C)(5)(a), a financing order issued under this Subpart shall require the corporation to transfer the net proceeds of the system restoration bonds it receives, pursuant to R.S. 45:1318(C)(3), to a trust whose beneficiary is the related utility that is collecting the applicable system restoration charges. A financing order shall require that trust to use those contributed proceeds as provided in this Subsection, shall require that trust to use the distributions in respect of the purchased preferred interests as provided in Subsection C of this Section, and shall require that the trust be subject to the express conditions and requirements set forth in the financing order described in Subsection B of this Section.

B. A financing order issued under this Subpart shall include the related utility's commitment that, upon receipt of the purchase proceeds by the utility affiliate, the related utility shall fully release any claims or rights to recover the system restoration costs approved by that financing order, to the extent of such related bonds' proceeds, from any of its commission-jurisdictional customers, and shall set aside in a restricted reserve account, in an amount and 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 utility from storms. Instead, the purchase proceeds are made 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.

C. A trust shall pay distributions, whether dividend income, redemption payments, or otherwise, in respect of the preferred interests only to the beneficiaries of the trust, shared between the beneficiaries, as specified in the approved trust agreement, or when applicable, to a permitted pledgee, and for expenses permitted by R.S. 45:1338(D). A trust may cause the periodic

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 approved by the commission in a financing order or by the use of an approval method provided in a financing order.

D. System restoration bonds issued pursuant to a financing order under 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 obligation to distribute proceeds to the corporation or a pledgee as specified 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 system restoration 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 federally insured depository institution organized under the laws of this state, another state, or the United States.

(2) 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).

B. 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 its duties under this Subpart and the trust agreement, and may determine their 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. 45:1312. 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 respect of the preferred interests.

E. 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 directly from the related utility, if the related utility agrees to such direct payment.

F. 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 the amount of the trust property. The trustee shall permit the beneficiary or its agents to inspect the subject matter of the trust, the accounts, and any other documents relating to the trust.

G. A trustee shall administer the trust as a prudent person would administer it. A trustee shall invest trust property only in preferred interests as provided in this Subpart and the applicable trust agreement. A trustee shall have no liability whatsoever by reason of investing within the limitations of the foregoing requirement. The nature and extent of the duties and powers of a trustee shall be determined by the provisions of the trust agreement, except as otherwise expressly provided in this Subpart. A trust agreement may relieve the trustee from liability, except a liability relief provision in a trust agreement shall not be effective to relieve the trustee from liability for breach of the duty of loyalty to a beneficiary, or for breach of trust committed in bad faith.

H. Except for redemptions of preferred interests as authorized by the trust agreement, a trustee may not sell or encumber trust property.

§1339. Corporation additional pledge to financing parties

A. The corporation shall pledge to and agree with the issuer for the benefit of the issuer, the bondholders, and other financing parties, that until the related bonds 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 and in the trust agreement.

(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 way impair the rights and remedies 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. Prior to the date that is two years and one day after which the corporation no longer has any payment obligation outstanding to the issuer of the related bonds, a trust shall be prohibited from filing and shall have no authority to file a 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 obligation owed to the bondholders of the related bonds issued pursuant to 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 related bonds that the state and the Louisiana Legislature shall not limit or alter the denial of authority pursuant to this Section during the period referred to in this Subsection.

B. A trust shall be subject to the provisions of R.S. 13:4741 and R.S. 39:619 through 622.

§1341. Transfers by beneficiaries

A. The trust's beneficiaries shall have no power over the trust or 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 that payment is to be made to the pledgee, notwithstanding any provisions in 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 pursuant to this Subsection. As to trust property, the pledgee may seize only distributions of dividend income and redemption payments that have been authorized by the trustee and not yet paid to the corporation beneficiary as pledgor.

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. A creditor of a related utility beneficiary may seize only distributions of dividend income and redemption proceeds that have been authorized by the trustee and have not yet been paid to such beneficiary.

E. For purposes of R.S. 39:1430.1, the corporation's beneficial interest in a trust including, without limitation, the corporation's rights under a trust agreement, interests in income and principal, and income, receipts and proceeds from distributions from a trust, whether dividend income, redemption payments or otherwise, 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. 39:1430.1. A pledge and security interest granted by the corporation in such rights, 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 and other third parties from the time when the pledge and grant is made without any notice or filing of any kind. Without limiting the foregoing, notwithstanding that the corporation's interest in a trust is a general intangible pursuant to the Louisiana Uniform Commercial Code - Secured Transaction R.S. 10:9-101 et seq., the 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 Subsection shall secure all obligations, then existing or thereafter arising, provided in the pledge or security agreement. A perfected pledge and security interest pursuant to this Subsection shall be a 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 according to priority in time of perfection.

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

§1342. Construction and effect

A. This Subpart and all 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, 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 Subpart. Further, to the extent that a utility has made application for a determination of

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 Securitization 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

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SENATE BILL NO. 234  
BY SENATOR MCMATH

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

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 relative to 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. If, 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.**

**F. Accelerated instruction provided pursuant to this Section shall:**

**(1) 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 for not less than thirty total hours during the following summer and school year, and include instruction for not less than once per week.**

**(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.**

**G.(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.**

**H. 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.**

**I.(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.**

**J. The determination of whether students are in need of additional expanded academic support shall not be used in evaluating teacher performance or determining school or district accountability scores and letter grades.**

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

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

\* \* \*

**(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

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SENATE BILL NO. 238  
BY SENATOR MILLIGAN

AN ACT

To amend and reenact R.S. 17:408.1(A) and (B), relative to the Caddo Educational Excellence Fund; to provide for the investment of the funds; to provide for the withdrawal of certain earnings; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:408.1(A) and (B) are hereby amended and reenacted to read as follows:

§408.1. Caddo Educational Excellence Fund; creation; investment; withdrawal

A. (1) There is hereby established the Caddo Educational Excellence Fund, hereafter in this Section called the "fund", which shall be a permanent trust fund in the official repository of the Caddo Parish School Board, held and invested on behalf of the Caddo Parish School Board; the investment income of which may be withdrawn by the Caddo Parish School Board during January of each calendar year. After the end of each fiscal year, the school board may withdraw money from the fund as provided in this Section on its own warrant. All money thus withdrawn shall be expended only as authorized in Subsection C of this Section.

(2) Withdrawals from the fund shall be limited as follows:

(a) In the fiscal year following a year that the earnings of the fund were greater than five percent, withdrawals from the fund shall not exceed five percent of the fund.

(b) In the fiscal year following a year that the earnings of the fund were between three and five percent, withdrawals from the fund shall not exceed the rate of earnings from the previous year.

(c) In the fiscal year following a year that the earnings of the fund were less than three percent, withdrawals from the fund shall not exceed three percent of the fund.

B. Funds collected pursuant to ~~R.S. 4:552(A)~~ R.S. 27:93(A) and allocated pursuant to ~~R.S. 4:552(A)(2)(d)~~ R.S. 27:93(A)(2)(d) shall be periodically transferred to the official repository of the Caddo Parish School Board. The funds shall be invested in the same manner as monies in the state general fund are invested as post-employment benefits trusts are permitted to be invested pursuant to R.S. 33:5162. Earnings on principal may also be invested. However, the amount of earnings shall be kept account of separately from fund principal and shall be available for the school board to withdraw as provided in this Section.

\* \* \*

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 296**

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SENATE BILL NO. 239  
BY SENATOR JOHNS  
AN ACT

To amend and reenact R.S. 47:293(4)(e), relative to the definition of federal income tax liability for individual income taxpayers impacted by the 2020 hurricanes; to provide relief for taxpayers using the federal standard deduction; to include taxpayers affected by Hurricane Zeta; to clarify the applicability of the relief provided; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(4)(e) is hereby amended and reenacted to read as follows:

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

\* \* \*

(4) "Federal income tax liability", for the purpose of this Part, means the total amount of tax due to the United States for the taxable period on the individual income tax return required to be filed by any taxpayer, except that:

\* \* \*

(e) For taxable periods beginning after December 31, 2018, and before January 1, 2021, federal income tax liability shall be increased by the amount by which an individual's federal income tax due to the United States for the taxable period was decreased as a result of claiming the increased federal standard deduction or the federal itemized deduction for certain net disaster losses attributable to Hurricane Laura or Hurricane Delta, Hurricane Delta, or Hurricane Zeta.

\* \* \*

Section 2. The provisions of this Act shall be given prospective and retroactive application.

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:

**THE ADVOCATE**  
**PAGE 20**

\* As it appears in the enrolled bill

R. Kyle Ardoin  
Secretary of State

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**ACT No. 297**

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SENATE BILL NO. 244  
(Substitute of Senate Bill No. 92 by Senator Luneau)  
BY SENATOR LUNEAU  
AN ACT

To enact Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, to be 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 and the Louisiana Voluntary Disclosure Program; 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) "Applicant" 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, 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" means a completed application to request a voluntary disclosure agreement and all supplemental information including but not limited to cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for a voluntary disclosure agreement. Supplemental information requested by the Louisiana Department of Revenue and Louisiana Workforce Commission and timely provided by the applicant shall be considered part of the application.

(3) "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 extend or delay the application date.

(4) "Delinquent penalty" means any specific penalty imposed as a result of the failure of the taxpayer to timely make any required return or payment.

(5) "Look-back period" means a period for which a qualified applicant agrees to disclose and pay the tax and interest due. The look-back period shall include the current calendar year up to the date of registration with the Louisiana Department of Revenue and Louisiana Workforce Commission and the one 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.

**§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 reclassify his 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 class or classes of workers identified in the application as employees for future tax periods and is not liable for any withholding tax, unemployment tax, interest, or penalties with respect to any amounts paid to any workers before the date on which the taxpayer is accepted for participation in the Fresh Start Proper Worker Classification Initiative.

D.(1) 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

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

to complete the process once it has reviewed the application and verified the taxpayer's eligibility.

(2) An accepted application constitutes a joint closing agreement between the taxpayer and the Louisiana Department of Revenue and the Louisiana Workforce Commission.

(3) The closing agreement shall constitute confirmation by the taxpayer to treat the class or classes of workers identified in the application as employees.

(4) The closing agreement becomes effective on the date that the taxpayer receives notice from the Louisiana Department of Revenue that the taxpayer's application is accepted.

E. The employers identified in this Subsection shall not be eligible to participate in the program:

(1) Employers who are currently under audit concerning the classification of the classes of workers by the Internal Revenue Service, the United States Department of Labor, or by a state government entity.

(2) Employers who are contesting in court the classification of the class or classes of workers from a previous audit by the Internal Revenue Service, the United States Department of Labor, the Department of Revenue, or the Louisiana Workforce Commission.

(3) Employers who have withheld Louisiana state income taxes from the amounts paid to any worker and who have not remitted the tax to the Louisiana Department of Revenue.

(4) For the purposes of Paragraphs (1) and (2) of this Subsection, a taxpayer that is a member of an affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code if any member of the affiliated group is under an employment, withholding, or unemployment tax audit.

F. The Louisiana Department of Revenue shall have the authority to promulgate rules and regulations for the administration of the Fresh Start Proper Worker Classification Initiative.

#### §1773. The Louisiana Voluntary Disclosure Program

A.(1) The Louisiana Voluntary Disclosure Program is established as a process of reporting undisclosed liabilities for withholding taxes administered by the Department of Revenue and unemployment taxes administered by the Louisiana Workforce Commission that would have been due for workers who were not classified as employees. The Voluntary Disclosure Program authorizes taxpayers to anonymously enter into agreements and voluntarily pay taxes with no penalty.

(2) In order to be admitted to the program, an employer shall obtain and produce a certificate proving he has obtained workers' compensation coverage for his employees.

B. The Louisiana Workforce Commission, in consultation with the Department of Revenue shall promulgate rules and regulations necessary for the administration of the Louisiana Voluntary Disclosure Program.

#### §1774. Voluntary Disclosure Agreements; withholding tax

A. (1) After the secretary of the Louisiana Department of Revenue has reviewed the application and determined from the information included that the applicant qualifies for a voluntary disclosure agreement, the secretary of the Louisiana Department of Revenue shall send a copy of the agreement to the applicant or the applicant's representative for signature.

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

(3) After the signed agreement is received from the applicant, the secretary 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) After all tax and interest due for the look-back period have been paid, the delinquent penalties shall be waived, unless the tax disclosed was collected but not remitted. Where the tax was collected but not remitted, the secretary of the Louisiana Department of Revenue may consider waiving payment of the whole or any part of the delinquent penalties on a case-by-case basis.

B. All tax due for the look-back period, which shall exclude any tax that was reported on an individual income tax return filed by any worker in the class or classes of workers identified in the application as verified by the Department of Revenue, shall be paid within sixty calendar days of the secretary's signing date of the voluntary disclosure agreement or within any extension of time authorized by the secretary beyond sixty calendar days of the signing date. All schedules or returns required by the secretary to show the amount of tax due shall be included with this payment.

C. The secretary 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, interest, and delinquent penalty due. The applicant shall submit payment of the full amount of the interest not remitted or waived within thirty calendar days from the postmark or email date of the schedule or, if applicable, within any extension of time granted by the secretary. If payment of the full amount due has not been received timely, the secretary 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 secretary may void a voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

#### §1775. Voluntary Disclosure Agreements; unemployment tax

A. (1) After the administrator has reviewed the application and determined

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 or the applicant's representative for signature.

(2) The applicant or 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 delinquent penalties shall be waived.

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 underpayment 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 six hundred dollars or more, such as Form 1099-MISC or Form 1099-NEC. Relief is not available for any worker for whom the employer did not file the required information return.

(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)(a) 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 a court case or Internal Revenue Service ruling.

(ii) The putative employer was previously audited and the Internal Revenue Service considered employment taxes but did not reclassify the workers.

(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.

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.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 298

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SENATE BILL NO. 167  
BY SENATOR ALLAIN  
AN ACT

To amend and reenact R.S. 30:86(A), (C), and the introductory paragraph of (E), and to enact R.S. 30:86(D)(9) and (10) and (E)(7), relative to the Louisiana Oilfield Site Restoration Fund; to provide for the deposit of monies from the state's allocation of federal monies to the fund; to provide for the sources and uses of the Oilfield Site Restoration Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:86(A), (C), and the introductory paragraph of (E) are hereby amended and reenacted and R.S. 30:86(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.

(2) 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 Trust Fund an amount equal to the revenues generated from collection of the fees provided for in Subsection D of this Section. **The treasurer shall also 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.** 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 provided for in R.S. 30:87 shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the secretary of the Department of Revenue shall resume collecting the fees on receipt of a certification from the treasurer that, based on the expenditures or commitments to expend monies, the fund has fallen below ten million dollars. The secretary of the Department of Revenue shall continue collecting the fees until collections are again suspended in the manner provided by this Section. The sums in the site-specific trust accounts within the fund, the sums collected from financial security instruments required by rules and regulations adopted by the assistant secretary pursuant to R.S. 30:4(R) and 4.3, **sums deposited 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. 30:83.1 shall not be counted to determine the balance of the fund for the purposes of this Subsection.

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

\* \* \*

(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.**

(10) **Monies from federal appropriations or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites.**

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 for the following purposes and uses:**

\* \* \*

(7) **Except for the costs of administration of this Part by the Department of Natural Resources not exceeding five percent of the federal funds appropriated or granted, the monies deposited into the fund 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 38 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 to be on the list of contractors acceptable to conduct site assessment and restoration by the Commission.**

\* \* \*

Section 2. The legislature does hereby find 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.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 299**

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SENATE BILL NO. 172  
BY SENATOR WARD  
AN ACT

To amend and reenact R.S. 47:305.59 and to enact R.S. 47:302(BB)(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(BB)(114), 321(P)(115), 321.1(D)(115), and 331(V)(115) are hereby enacted to read as follows:

§302. Imposition of tax

\* \* \*

BB. 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:

\* \* \*

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

\* \* \*

§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 use in constructing new residential dwellings in this state.

B. **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:

\* \* \*

**(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:

\* \* \*

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

\* \* \*

§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:

\* \* \*

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

\* \* \*

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 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

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**ACT No. 300**  
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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. 45:201.5(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. 45:201.5(A)(1) is hereby amended and reenacted to read as follows:

§201.5. 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

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**ACT No. 301**  
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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; ~~and~~.

(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.**

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

\* \* \*

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

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**ACT No. 302**  
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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(B)(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(B)(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:

§531. Appointment of commissioners to local housing authority

\* \* \*

B.

\* \* \*

(2)

\* \* \*

(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 and** shall meet all of the following criteria:

\* \* \*

(c) 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.**

\* \* \*

(e) 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

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**ACT No. 303**  
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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.

Be it enacted by the Legislature of Louisiana:

Section 1. 47:1925.13 is hereby enacted to read as follows:

**§1925.13. Automobile expense allowance**

\* As it appears in the enrolled bill

**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 legislative 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 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 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 304**

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HOUSE BILL NO. 271  
BY REPRESENTATIVE MARCELLE  
AN ACT

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:

**§828.4. Transitional Residential Pilot Program for female offenders; establishment**

**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 function 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.**

**D. 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 for this purpose and to the extent that is consistent with available resources.**

**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

**ACT No. 305**

---  
HOUSE BILL NO. 316  
BY REPRESENTATIVE DAVIS  
AN ACT

To amend and reenact R.S. 40:1081.2(A)(1), relative to the state's newborn screening panel; 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:

§1081.2. Tests

A.(1) The physician attending a newborn child, or the person attending a newborn child who was not attended by a physician, shall cause the child to be subjected to tests for phenylketonuria, congenital hypothyroidism, sickle cell diseases, biotinidase deficiency, congenital adrenal hyperplasia, carnitine uptake defect, long-chain 3-hydroxyacyl-CoA dehydrogenase deficiency, medium-chain acyl-CoA dehydrogenase deficiency, trifunctional protein deficiency, very long-chain acyl-CoA dehydrogenase deficiency, glutaric acidemia type I, 3-hydroxy-3-methylglutaryl-CoA lyase deficiency, isovaleric acidemia, 3-methylcrotonyl-CoA carboxylase deficiency, methylmalonic acidemia (CBL A,B), beta ketothiolase, methylmalonic acidemia (MUT), propionic acidemia, multiple carboxylase deficiency, argininosuccinate acidemia, citrullinemia type I, homocystinuria, maple syrup urine disease, tyrosinemia type I, **mucopolysaccharidosis type I (MPS I), glycogen storage disorder type II (Pompe)**, and other genetic conditions that have been approved by the Louisiana Department of Health; however, no such tests shall be given to any child whose parents object thereto. Effective July 1, 2007, cystic fibrosis shall be included in the tests that the newborn child shall be subject to by the physician attending the newborn child or the person attending the newborn child who was not attended by a physician.

\* \* \*

Section 2. The provisions of Section 1 of this Act supersede the provisions of Section 1 of Act. No. 507 of the 2016 Regular Session of the Legislature which amend R.S. 40:1081.2(A)(1).

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 306**

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HOUSE BILL NO. 317  
BY REPRESENTATIVE KERNER  
AN ACT

To amend and reenact R.S. 40:31.35(C) and to enact R.S. 40:5.10.1, relative to financing of certain services of the office of public health of the Louisiana Department of Health pertaining to food safety; to authorize the Louisiana Department of 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 require 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 and R.S. 40:5.10.1 is hereby enacted to read as follows:

**§5.10.1. Imported Seafood Safety Fund**

**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". After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund monies collected pursuant to R.S. 40:31.35(C). Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund shall remain in the fund. Monies in the fund shall be appropriated to the office of public health of the Louisiana Department of Health and used exclusively as provided in this Section.**

**B. The monies in the fund shall be appropriated and expended solely for the purpose of sampling, analysis, testing, and monitoring of raw seafood products of foreign origin that are imported into Louisiana and stored on the premises of any business holding a commercial seafood permit issued pursuant to R.S. 40:31.35. The office of public health of the Louisiana Department of Health shall directly administer or contract for such sampling, analysis, testing, and monitoring functions. The office of public health shall employ such functions to detect in imported seafood products the presence of substances that are harmful to human health. The state health officer shall determine the specific types of such sampling, analysis, testing, and monitoring functions to be implemented as well as the frequency and scope of these activities, all of which he may modify based upon the availability of funding for these**



purposes.

\* \* \*  
§31.35. Commercial seafood permit fee  
\* \* \*

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

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**ACT No. 307**  
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HOUSE BILL NO. 341  
BY REPRESENTATIVE FREEMAN  
AN ACT

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 18(G)(1) of the Constitution of Louisiana prior to January 1, 2022, shall be charged fifty 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 until 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

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**ACT No. 308**  
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HOUSE BILL NO. 342  
BY REPRESENTATIVE WRIGHT  
AN ACT

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.

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

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. 309**  
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HOUSE BILL NO. 348  
BY REPRESENTATIVE DUBUISSON  
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 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

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**ACT No. 310**  
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HOUSE BILL NO. 350  
BY REPRESENTATIVE FARNUM  
AN ACT

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, and Jefferson, and Calcasieu.  
\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 311**  
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HOUSE BILL NO. 396  
BY REPRESENTATIVE TURNER  
AN ACT

To amend and reenact R.S. 13:5807.5(introductory paragraph), relative to certain costs and fees 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 Ruston 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**

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**ACT No. 312**

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**HOUSE BILL NO. 412**  
**BY REPRESENTATIVE LACOMBE**  
**AN ACT**

To amend and reenact R.S. 33:2490(E) and (F) and 2550(E) and (F), relative to the municipal fire and police civil service; to provide relative to employees who have resigned or retired from the classified service due to injury or medical condition; to provide relative to the position and class to which employees may be reemployed; to provide relative to the qualifications, compensation, and seniority of any such employee; to provide limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2490(E) and (F) and 2550(E) and (F) are hereby amended and reenacted to read as follows:

§2490. Reinstatement and reemployment

\* \* \*

~~E.(1) Any regular employee who resigns or retires from a position in the classified service may, with the prior approval of the board, 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 reinstatement; however, a regular employee shall be reemployed as provided in this Subsection only if his resignation or retirement occurred as a result of the employee being unable to perform the essential functions of his job upon sustaining any injury that is compensable pursuant to the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950. Subject to the requirements of this Subsection, any regular employee who resigns or retires as specified in Paragraph (3) of this Subsection from a position in the classified service 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 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 required to serve a working test. In addition, the employee shall be reemployed with the departmental and promotional seniority the employee accrued during his employment including any such seniority that he would have accumulated from the date of his separation through the date of reinstatement as if he remained in continuous service.~~

~~(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 resignation or 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 of 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 and shall not be required to retest for any such position. 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 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.~~

~~(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 retirement of the employee.~~

\* \* \*

§2550. Reinstatement and reemployment

\* \* \*

~~E.(1) Any regular employee who resigns or retires from a position in the classified service may, with the prior approval of the board, 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 reinstatement; however, a regular employee shall be reemployed as provided in this Subsection only if his resignation or retirement occurred as a result of the employee being unable to perform the essential functions of his job upon sustaining any injury that is compensable pursuant to the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950. Subject to the requirements of this Subsection, any regular employee who resigns or retires as specified in Paragraph (3) of this Subsection from a position in the classified service 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 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 required to serve a working test. In addition, the employee shall be reemployed with the departmental and promotional seniority the employee accrued during his~~

employment including any such seniority that he would have accumulated from the date of his separation through the date of reinstatement as if he remained in continuous service.

(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 resignation or 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 of 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 and shall not be required to retest for any such position. 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 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.~~

~~(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 retirement of the employee.~~

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 313

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HOUSE BILL NO. 288  
BY REPRESENTATIVE MAGEE  
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 period; to provide for effective dates; 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:

Art. 875.2. Determination of substantial financial hardship to the defendant

A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims. These financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society. Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven. Creating a payment plan for the offender that is based upon the ability to pay results in financial obligations that the offender is able to comply with and often results in more money collected. Offenders who are consistent in their payments and in good faith try to fulfill their financial obligations should be rewarded for their efforts.

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

C.(1) Notwithstanding any provision of law to the contrary, prior to ordering the imposition or enforcement of any financial obligations as defined by this Article, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

(2) The defendant may not waive the judicial determination of a substantial financial hardship required by the provisions of this Paragraph.

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

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

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

(2)(a) The amount of each monthly payment for the payment plan ordered pursuant to the provisions of Subsubparagraph (1)(b) of this Paragraph shall be equal to the defendant's average gross daily income for an eight-hour work day.

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

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

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

E. If a defendant is ordered to make monthly payments under a payment plan established pursuant to the provisions of Subsubparagraph (D)(1)(b) of this Article, the defendant's outstanding financial obligations resulting from his criminal conviction are forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either twelve consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

F. If at the termination or end of the defendant's term of supervision, any restitution ordered by the court remains outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in favor of the person to whom restitution is owed, which may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure. For any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered to be paid.

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

Section 2. 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 894.4 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 894.4 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. 314**

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HOUSE BILL NO. 296  
BY REPRESENTATIVE SELDERS  
AN ACT

To amend and reenact R.S. 26:71.2(A)(7) and 271.3(A)(7), 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 criteria; to provide for audits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:71.2(A)(7) and 271.3(A)(7) are hereby amended and reenacted to read as follows:

§71.2. 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.~~

\* \* \*

§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-premises 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. 315**

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HOUSE BILL NO. 347  
BY REPRESENTATIVE KERNER AND SENATOR CONNICK  
AN ACT

To amend and reenact R.S. 48:197(B)(3), relative to the Regional Maintenance and Improvement Fund; to provide for the administration and use of the fund; 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:

§197. Motor vehicle license tax; Regional Maintenance and Improvement Fund

\* \* \*

B.

\* \* \*

(3) Monies in the fund shall be appropriated to Jefferson Parish and from the fund shall be used exclusively for maintenance and improvements of

~~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. 316**

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HOUSE BILL NO. 380  
BY REPRESENTATIVE LYONS  
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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**ACT No. 317**

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HOUSE BILL NO. 381  
BY REPRESENTATIVE MOORE  
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 a 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~~.

(4) If the ~~accident crash~~ occurs in a geographical area under order of evacuation by a competent authority or is under a declared state of emergency, ~~the driver shall~~ comply with the provisions of Paragraphs (1) and (2) of this Subsection within seventy-two hours after the occurrence of 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 twenty-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~~

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

~~C. 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 render reports.~~

~~D. B. 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 accidents crashes required to be reported by this Section when the accidents crashes occur within the corporate limits of the city or town. Every law enforcement officer who investigates an accident a crash, as required by this Subsection, shall instruct the driver of each vehicle involved in the accident crash to report the following to all parties suffering injury or property damage as an 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.~~

~~E.(1) 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.~~

~~(2) C. Within forty-eight hours after completing the investigation, the investigating law enforcement officer agency shall forward a written copy of the crash report of the accident 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 written copy of the crash report of the accident 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.~~

~~F. D.(1) The state police, 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 other charges, per report that exceeds two pages.~~

~~(2) 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.~~

~~(3) All data and reports shall be owned by the law enforcement agency who created the report, and all collective data shall be owned by the state of Louisiana. Third party vendors under contract with a state or local agency shall not be prohibited from selling individual crash reports on behalf of the agency. However, third party vendors, including contracted agents of law enforcement entities, shall not sell any aggregated or compiled data owned either by the state of Louisiana or a local law enforcement entity, unless specifically authorized by the state of Louisiana.~~

~~G. E. The state police, any local police department, or any sheriff's office shall provide copies of photographs of accidents crashes or other photographs required of the investigating agency, video tapes recordings, audio tapes recordings, and any extraordinary-sized documents, or documents stored on electronic media, to any interested person upon request and may charge a reasonable fee for such copies.~~

~~H. E. 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 the death. Such reports shall be made on forms supplied or approved by the department as provided for in Subsection I of this Section.~~

~~I. G. The 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 cause, conditions then existing, and 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 directions to the investigating officer to instruct the parties to the accidents to exchange information as required in Subsection D of this Section and 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, with electronic forms of crash reports that provide sufficient detailed 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.~~

~~J. H.(1) 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 crashes.~~

~~(2) 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 crashes. 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.~~

~~K.(4)(a) L.(1) The reports required by this Section, and the information contained in the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1 et seq., and shall be made available only to the parties to the accident crash, parents or guardians of a minor who is a party to the accident crash, 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 succession representatives of those parties; or to the attorneys of the parties or succession representatives; or to a news-gathering organization that requests documents 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:~~

~~(i) Any person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurance institution or agent for insurance transactions, including the furnishing of consumer reports or investigative consumer reports to an insurance institution or agent for use in connection with an insurance transaction.~~

~~(ii) The collection of personal information from insurance institutions, agents, or other insurance support organizations for the purpose of detecting or preventing fraud, material misrepresentation, or material nondisclosure in connection with insurance underwriting or insurance claim activity.~~

~~(iii) Agents, governmental institutions, insurance institutions, medical-care institutions, and medical professionals shall not be considered "insurance support organizations".~~

~~(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.~~

~~(b) In Orleans Parish, the local police department may charge a reasonable fee, not to exceed the sum of twenty dollars, to provide copies of accident reports. State departments and agencies shall not be required to pay such fee.~~

~~(2) All persons and their agents are prohibited from screening accident reports if the person or his agent does not represent any of the persons involved in a particular accident, the report for which could reasonably be expected to be available. However, this limitation shall not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident.~~

~~(3) (2) The information in the reports may be tabulated and included in the statistical information published under the provisions of Subsection J H of this Section.~~

~~(4) (3) Nothing in this Section shall prohibit the sale of police accident reports or other driving record information to consumers of on-line driving records under written contract for purchase of records with the Department of Public Safety and Corrections.~~

~~(5) (4) The information in the reports may be used by the office of motor vehicles for the purpose of maintaining operating records.~~

~~L. J. Whenever any person is involved in an accident a crash resulting in injury to or death of any person, or property damage in excess of five hundred dollars and the law enforcement officer investigating the accident crash has reason to believe that there exists a medical condition which constitutes cause for revocation or suspension of a license under the provisions of R.S. 32:414(E), notification of such medical condition shall be made to the medical/conviction unit of the office of motor vehicles of the Department of Public Safety and Corrections, office of motor vehicles, provided that the law enforcement officer first consults with his superior officer as to his specific observations and such his superior officer concurs with the issuing officer's belief.~~

~~M. K.(1) All police, state or local, shall immediately contact the Department of Transportation and Development Development's district office or the local roadway owner when called to the scene of an accident a crash where that~~

department's or local roadway owner's property has been damaged in an amount which is estimated to exceed five hundred dollars.

~~(2) AH Upon completion of the investigation, all police, state or local, shall make available, at no cost to the Department of Transportation and Development or the local roadway owner, forward copies of accident crash reports which that indicate damage to property of the Department of Transportation and Development or the local roadway owner, in an amount which is estimated to exceed five hundred dollars to the department's headquarters maintenance division within six days of the date of the accident without cost to the department.~~

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 318**

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HOUSE BILL NO. 386

BY REPRESENTATIVES FARNUM AND BOURRIQUE  
AN ACT

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 it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4165(F) is hereby enacted to read as follows:

§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. 5121 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, any order issued pursuant to this Subsection may provide for the appointment, duties, or compensation of the special master or masters in any manner directed by the court, and 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 may 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. Orders initially issued pursuant to this Subsection after January 1, 2022, shall provide for an opt-out upon request of any party.

(8) Notwithstanding any provision of law to the contrary, no provision or policy form issued 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

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**ACT No. 319**

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HOUSE BILL NO. 415

BY REPRESENTATIVES GAINES AND MARCELLE  
AN ACT

To enact Chapter 11-A of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4600.1 through 4600.12, relative to tourism; to provide for the creation of tourism recovery and improvement districts by tourist commissions; to provide relative to the powers granted to tourist commissions with respect to such districts; to provide relative to assessments levied on businesses by tourist commissions; to provide for definitions; to provide limitations; to provide for severability; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

**THE ADVOCATE**  
**PAGE 30**

\* As it appears in the enrolled bill

Section 1. Chapter 11-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4600.1 through 4600.12, is hereby enacted to read as follows:

**CHAPTER 11-A. LOUISIANA TOURISM RECOVERY AND IMPROVEMENT DISTRICTS**

**§4600.1. Legislative findings**

The legislature hereby finds and declares all of the following:

(1) There is a direct correlation between the amount of funds spent on destination-based marketing, sales, and promotion of a locality and an increase in the number of conventions, meetings, visitors, occupancy of lodging businesses, retail sales of food, beverages, and other items, admissions to cultural and other entertainment venues, collections of related state and local sales and use taxes, job creation, and a resulting general economic vitality of the traveler economy and related businesses in the locality.

(2) It is in the state's public interest, and vital to the welfare of the state's economy, to facilitate and encourage cooperating public-private partnerships for the enhancement and expansion of the business economy and to provide for increased business activity, tourism, economic development, and job creation in municipalities and parishes in the state of Louisiana.

**§4600.2. Purpose**

The purpose of this Chapter is to facilitate the collection of supplementary funds to market and promote destinations in the state to provide for increased economic activity within its traveler economy, including increases in conventions, meetings, visitors, hotel occupancy, food, beverage and other retail sales, tourism, including cultural and family tourism, tourism business job creation, tourism economic development, and other tourism related purposes.

**§4600.3. Definitions**

As used in this Chapter, the following terms shall have the meanings ascribed to them unless the context clearly indicates otherwise:

(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 payor.

(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, activity provider, and other tourism businesses that benefit from the visitor economy.

(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) "Improvement" 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 for the development, redevelopment, maintenance, 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) "Tourist commission" means a political subdivision created pursuant to R.S. 33:4574(B) for the purpose of promoting tourism within its respective jurisdiction. "Tourist commission" does not mean the Jefferson Convention and Visitors Bureau, Inc., or any tourism organization domiciled in Orleans Parish, including New Orleans & Company.

(11) "Tourist commissioners" means the members of the governing body of a tourist commission.

**§4600.4. Initiation of proceedings; petition**

A(1) A tourist commission may initiate proceedings to form 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 of the following:

(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.

(2) In the case of a petition weighted by the amount of assessment proposed

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

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 that is in excess of 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.

B. The petition of business owners required in Subsection A of this Section shall include a summary of the management plan. That summary shall include all of 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 determines otherwise.

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. It shall be unlawful for any person knowingly to make a false statement on 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, unduly influence a person to sign a petition or to not sign a petition, falsely make, alter, forge, or counterfeit any petition before or after it has been filed as provided in R.S. 33:4600.4, or to destroy, deface, mutilate, or tamper with any petition before or after it has been filed as provided in R.S. 33:4600.4.

#### §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 businesses included, which may be made by reference to any plan or map that is on file with the tourist commission. The boundaries of a tourism recovery and improvement district created pursuant to this Chapter may overlap the boundaries of any other tourism recovery and improvement district created pursuant to this Chapter and the boundaries of other assessment districts established pursuant to law.

(4) The estimated cost of improvements, maintenance, and activities or the estimated assessment rate charged, or both. If the improvements, maintenance, and activities proposed for each year of operation are the same, 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 shall satisfy the requirements of this Paragraph.

(5) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the tourism recovery and improvement district. This amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the tourism recovery and improvement district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this Paragraph.

(6) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of the assessment to be levied against his business. If the assessment is levied on a percentage basis, the maximum assessment rate shall not exceed five percent. If the assessment is levied on a dollar amount basis, the total assessment rate shall not exceed five dollars.

(7) A statement as to whether bonds will be issued to finance improvements.

(8) The time and manner of collecting the assessments.

(9) The specific number of years in which assessments shall be levied. In a new tourism recovery and improvement district, the maximum number

of years shall be five. Upon renewal, a tourism recovery and improvement district shall have a term not to exceed ten years. Notwithstanding these limitations, in order to finance capital improvements with bonds, a tourism recovery and improvement district may levy assessments until the maximum maturity of the bonds. The management plan may set forth specific increases in assessments for each year of operation of the tourism recovery and improvement district.

(10) The proposed time for implementation and completion of the management plan.

(11) Any proposed rules and regulations to be applicable to the tourism recovery and improvement district.

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

(13) 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. 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. A written protest that does not comply with the requirements of this Subsection shall not be counted in determining a majority protest.

B.(1) If written protests are received from the owners or authorized representatives of businesses in the proposed tourism recovery and improvement district who will pay more than sixty-seven percent of the assessments proposed to be levied or represent more than sixty-seven percent of the total assessed businesses by number, then no further proceedings to levy the proposed assessment against such businesses shall be taken for a period of one year from the date of the finding of a majority protest by the tourist commission.

(2) In the case of a protest weighted by the number of owners of businesses or authorized representatives of businesses who will pay more than sixty-seven percent of the assessments to be levied, the amount of assessment attributable to a business owned by the same business owner that is in excess of 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.

#### §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 receipt or guest folio. All assessments to be passed through to consumers and guests as surcharges shall be disclosed on all information or communication platforms of the 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 operator agreement. Payment of the assessment to the tourist commission or other person designated for the purpose of receiving it, shall not be taken as a deduction from income for state income tax purposes.

D. Any assessment levied and passed through to a consumer as a surcharge in accordance with this Chapter is an enforceable obligation of the consumer to the same extent as other lawful surcharges.

E. Procedures for the collection of business assessments, interest charges, and penalties for delinquent remittance of business assessments to the tourist commission or 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 of intention

A. The tourist commission may, at any time, modify the management plan. Any modification of the management plan shall be made in accordance with the provisions of this Section.

B. The tourist commission may modify the management plan after conducting a public hearing 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.

C. The tourist commission shall adopt a resolution of intention which states the proposed modification prior to the public hearing. The public hearing shall be held not more than ninety days after the adoption of the resolution of intention.

§4600.10. Renewal of tourism recovery and improvement district; transfer or refund of remaining revenues; term limit

A. Any tourism recovery and improvement district may be renewed by following the procedures for establishment 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 for the petition as provided 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 not to exceed ten years or, 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 assessees may request the dissolution of the tourism recovery and improvement district. The first such 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 is in excess of 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 assessment levied within 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.

§4600.12. 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 or applications, and to this end the provisions of this Act are hereby declared severable.

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.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 320**

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HOUSE BILL NO. 452

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

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(59), 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:

Section 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. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

\* \* \*

(38) The Louisiana Domestic Abuse Fatality Review Panel (R.S. 40:2024.1 et seq.). The review panel shall exercise and carry out all powers, duties, functions, and responsibilities as provided in R.S. 36:802.

\* \* \*

Section 2. Part I-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2024.1 through 2024.7, is hereby enacted to read as follows:

**PART I-A. LOUISIANA DOMESTIC ABUSE FATALITY REVIEW PANEL**  
**§2024.1. Title**

This Part shall be known and cited as the “Louisiana Domestic Abuse Fatality Review Panel Law”.

**§2024.2. Definitions**

A. For the purposes of this Part, the following terms have the following meanings ascribed to them, unless the context clearly indicates otherwise:

(1) “Adult” means any individual eighteen years of age or older, or any person under the age of eighteen who has been emancipated by marriage or otherwise.

(2) “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 affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.

(3) “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, except negligent injury and defamation, committed by one family member, household member, or dating partner against another. “Domestic abuse” also includes sexual abuse as defined in R.S. 15:1503.

(4) “Domestic abuse fatality” means any death of a person resulting from an incident of domestic abuse or attempted domestic abuse, including the death of a person who is not a family member, household member, or dating partner of the perpetrator’s, or the suicide of a person where there are implications 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.

(5) “Family member” means spouses, former spouses, parents, children, stepchildren, unborn children, foster parents, foster children, other ascendants, and other descendants. “Family member” also means the other parent or foster parent of any child or foster child of the offender.

(6) “Household member” means any person presently or formerly living in the same residence with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

(7) “Review” means an examination or re-examination of information



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

§2024.3. Louisiana Domestic Abuse Fatality Review Panel; membership; chairman; proxies

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”. The review panel shall be comprised of 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.

§2024.4. Functions; duties of the review panel

A. The functions of the review panel shall include:

- (1) Identify and characterize the scope and nature of domestic abuse fatalities in this state and, if the decedent victim is female, report all of the following:
  - (a) Whether the decedent was pregnant at the time of death.
  - (b) Is there medical evidence that indicates that the decedent had been recently pregnant but was no longer pregnant at the time of death.
  - (c) Whether the decedent was single, married, or divorced to the extent such information can be determined.
- (2) Research and review trends, data, or patterns that are observed of domestic abuse fatalities.
- (3) Review past events and circumstances of domestic abuse fatalities by reviewing records and other pertinent documents of public and private agencies that are responsible for investigating deaths or treating victims.
- (4) Research and revise, as necessary, operating rules and procedures for review of domestic abuse fatalities including but not limited to identification of cases to be reviewed, coordination among agencies and professionals involved, and improvement of the identification, data collection, and record-keeping of the causes of domestic violence fatalities.
- (5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic abuse.
- (6) Recommend components for prevention and education programs.
- (7) Recommend training to improve the identification and investigation of domestic violence fatalities that occur in Louisiana.

B. The review panel may do all of the following:

- (1) Establish local and regional panels to which the review panel may delegate some or all of its responsibilities under this Part.
- (2) Analyze data available through any state systems that may decrease the incidence of domestic abuse fatalities in this state.

(3) Create formal partnerships with existing local and regional fatality review panels to accomplish its responsibilities under this Section.

§2024.5. Records; confidentiality; prohibited disclosure and discovery

A. Notwithstanding any other provision of law to the contrary, the review panel, or any local or regional panel or agent of a local or regional panel, shall be authorized to access medical and vital records in the custody of physicians, hospitals, clinics, other healthcare providers, and the office of public health, and any other information, documents, or records pertaining to the completed investigation of any domestic abuse fatality in the custody of any law enforcement agency in order that it may perform its functions and duties as provided in this Section.

B. The review panel, or any local or regional panel or agent of a local or regional panel, may request from a person, agency, or entity any relevant information, whether written or oral, to carry out its functions and duties. This information may include but is not limited to the following:

- (1) Medical information.
- (2) Mental health information.
- (3) Information from elder abuse reports and investigation reports which exclude the identity of persons who have made a report and shall not be disclosed.
- (4) Information from child abuse reports and investigations which exclude the identity of persons who have made a report and shall not be disclosed.
- (5) Summary of criminal history, criminal offender record, and local criminal history.
- (6) Information pertaining to reports by healthcare providers of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of abusive conduct.
- (7) Information concerning a juvenile court proceeding.
- (8) Information maintained by a family court or the office of vital records.
- (9) Information provided by probation officers in the course of the performance of their duties including but not limited to the duty to prepare reports as well as the information on which these reports are based.
- (10) Records of in-home supportive services unless disclosure is prohibited by federal law.

C. The review panel, or any local or regional panel or agent of a local or regional panel, may make a request in writing for the information sought and any person, agency, or entity with information may rely on the request to determine whether information may be disclosed. A person, agency, or entity that has the information and is governed by this Section shall not be required to disclose the information. The intent of this Section is to allow the voluntary disclosure of information by a person, agency, or entity that has the information.

D. Except as provided in this Subsection, information and records obtained by the review panel, or any local or regional panel or agent of a local or regional panel, in accordance with the provisions of this Section, or results of any domestic abuse fatality report, shall be confidential and shall not be available for subpoena nor shall the information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall the records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court of any reason. Information and records presented to the review panel, or any local or regional panel or agent of a local or regional panel, 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 have been obtained from other sources.

E. Any person, agency, or entity furnishing information, documents, and reports in accordance with this Section shall not be liable for the disclosure and shall not be considered in violation of any privileged or confidential relationship, if the person, agency, or entity has acted in good faith in the reporting pursuant to this Section.

F. A member of the review panel, or any local or regional panel or agent of a local or regional panel, may not disclose any information that is confidential under this Section. A person who appears before, participates in, or provides information to the review panel, or any local or regional panel or agent of a local or regional panel, shall sign a confidentiality notice to acknowledge that any information he provides to the review panel, or any local or regional panel or agent of a local or regional panel, shall be confidential. Information identifying a victim of domestic violence whose case is being reviewed, or that victim’s family members, or an alleged or suspected perpetrator of abuse upon the victim, or regarding the involvement of any agency with the victim or victim’s family members, shall not be disclosed in any report that is available to the public. Nothing in this Section shall prohibit the publishing 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 which do not identify a person’s case or person’s healthcare provider, law enforcement agency, or organization who provides services to victims.

G. When the review panel, or any local or regional panel or agent of a local or regional panel, concludes a review of a domestic abuse fatality or other review, it shall return all information and records that concern a victim or the victim’s family members to the person, agency, or entity that furnished the information.

§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

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.

§2024.7. Financial and human resources obligations

The Louisiana Department of Health may, at its discretion, secure financial and human resources from, or create formal partnerships with, external entities, in order to meet its obligations as described in this Part.

Section 3. R.S. 44:4(59) is hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

\* \* \*

(59) To any information, documents, or records received by the Louisiana Domestic Abuse Fatality Panel, or any local or regional panel of the Louisiana Domestic Abuse Fatality Review Panel defined as confidential under the provisions of R.S. 40:2024.5.

Section 4. The provisions of this Act shall not become effective unless and until sufficient funds are available through nongovernmental sources or are specifically appropriated by the legislature.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 321**

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HOUSE BILL NO. 460  
BY REPRESENTATIVE HOLLIS  
AN ACT

To enact R.S. 36:259(B)(38) and Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1122.1, relative to diseases and conditions; to provide for rare diseases; to create the Louisiana Rare Disease Advisory Council; to place the advisory council within the executive branch of government; to provide for definitions; to provide the criteria for appointments to the advisory council; to provide for the purpose of the advisory council; to provide for limitations on the advisory council; to require reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 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. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

\* \* \*

(38) The Louisiana Rare Disease Advisory Council (R.S. 40:1122.1). The advisory council shall exercise and carry out all powers, duties, functions, and responsibilities as provided in R.S. 36:802.

\* \* \*

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) "Board" means the Drug Utilization Review board established by the Louisiana Department of Health.

(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 sickle cell disease and sarcoidosis.

B.(1) The Louisiana Rare Disease Advisory Council is hereby created within the Louisiana Department of Health.

(2) The Louisiana Rare Disease Advisory Council hereby referred to as the "advisory council" shall serve only in a resource capacity to any public and private agency located in this state that provide services for a person who has been diagnosed with a rare disease.

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

(a) One member appointed by the president of the Senate.

(b) One member appointed by the speaker of the House of Representatives.

(c) Members appointed by the governor as follows:

(i) One representative from the department.

(ii) Two representatives from academic research institutions in this state that conduct rare disease research.

(iii) Two physicians who are licensed and practicing in this state with experience in researching, diagnosing, or treating rare diseases.

(iv) One geneticist who is licensed and practicing in this state.

(v) One registered nurse or advanced practice registered nurse who is licensed and practicing in this state and has experience treating rare diseases.

(vi) Two residents of this state who are eighteen years of age or older and who have either been diagnosed with a rare disease or is a caregiver for a

person who has been diagnosed with a rare disease.

(vii) One representative of a rare disease patient organization operating in this state.

(4) The governor shall determine who serves as the chair and vice chair of the advisory council.

(5) To the extent practicable, every organization or entity that provides a nomination to the advisory council shall strive for diversity in its appointment on the basis of race, ethnicity, sex, professional or educational background, and geographic residency.

C. The advisory council shall hold its initial meeting no later than October 1, 2021. The advisory council shall meet at least quarterly in a calendar year and at any other time as it deems necessary.

D. The purposes of the advisory council include all of the following:

(1) To provide input and feedback to the department and any other state agency on matters that affect a person who has been diagnosed with a rare disease, including but not limited to all of the following:

(a) Pandemic preparedness and response and its impact on a person living with a rare disease.

(b) Research, education, diagnosis, and treatment relating to rare diseases within this state.

(c) Rare diseases in general, the severity of rare diseases, and unmet medical needs associated with rare diseases.

(d) The demographics and clinical description of patient populations.

(e) Timely access to screening, care, insurance or Medicaid coverage, specialists, and other needed services for a patient who has been diagnosed with a rare disease.

(f) The impact that coverage, cost-sharing, tiering, and any other utilization management procedure has on providing treatment and services to a patient who has been diagnosed with a rare disease.

(2) To provide expert and clinical advice to the board in its review of treatments for a rare disease. The treatments may include drugs or biological products emerging from fields of personalized medicine and non-inheritable gene editing therapeutics.

(3) To provide a report to the governor, the Legislature of Louisiana, the department, and any other relevant agency of both of the following:

(a) Any findings, activities, and progress of the advisory council pursuant to the provisions of Paragraphs (1) and (2) of this Subsection.

(b) Any recommendations for addressing the needs of a person living with a rare disease in this state.

E. The advisory council shall not have authority on any matter relating to the department or the board.

F. Nothing in this Section shall require the board to follow the recommendations of the advisory council.

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

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**ACT No. 322**

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HOUSE BILL NO. 492

BY REPRESENTATIVES HUGHES, ADAMS, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIQUE, BRASS, BROWN, BRYANT, CARPENTER, CARRIER, WILFORD CARTER, CORMIER, COUSSAN, COX, DESHOTEL, DEVILLIER, DUPLESSIS, 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, LARVADAIN, LYONS, MARCELLE, MARINO, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, DUSTIN MILLER, NELSON, NEWELL, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, SCHEXNAYDER, SCHLEGEL, STAGNI, THOMPSON, TURNER, WHEAT, WHITE, WILLARD, AND ZERINGUE AND SENATORS BARROW, CATHEY, CORTEZ, FIELDS, HENRY, JACKSON, LUNEAU, ROBERT MILLS, PEACOCK, PETERSON, TARVER, AND WARD

AN ACT

To amend and reenact R.S. 9:2800.9(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 crime 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. 9:2800.9(A) is hereby amended and reenacted to read as follows:

§2800.9. Action against a person for abuse of a minor

A.(1) 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

injury or scarring, is subject to a liberative prescriptive period of ten years. This prescription commences to run from the day the minor attains majority, and this prescription shall be suspended for all purposes until the minor reaches the age of majority. Abuse has the same meaning as provided in Louisiana Children's Code Article 603. This prescriptive period shall be subject to any exception of peremption provided by law does not prescribe.

(2) An action against a person convicted of a crime against the child does not prescribe and may be filed at any time following conviction. "Crime against the child" has the same meaning as provided in Children's Code Article 603.

\* \* \*

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 three years 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

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**ACT No. 323**

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HOUSE BILL NO. 505  
BY REPRESENTATIVE ADAMS  
AN ACT

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 it 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:

§463.210. Special prestige license plate: "West Feliciana Parish Schools"

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. This royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded to the West Feliciana Parish Public School System.

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

§463.211. Special prestige license plate: "En français S.V.P"

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 "En français S.V.P" plate, provided there are 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 Saint LUC French Immersion and Cultural Campus Board of Directors 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 "Saint LUC. En français SVP" and shall also include a prominent logo.

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

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This 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

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

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.

§463.212. 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 State 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. This royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and disbursed solely to fund programming at the United States Military Academy, West Point.

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

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 324**

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HOUSE BILL NO. 531  
BY REPRESENTATIVES 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. 15:587(A) (1)(k) and R.S. 37:3555(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 state and federal criminal background checks on prospective licensees; to provide for military personnel and their spouses who relocate to this state; to provide for the issuance of a license to a licensee; to provide for continuing education requirements; to provide for inspections of massage establishments; to provide discipline for 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 an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(k) is hereby enacted to read as follows:

§587. 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 contained in the bureau's criminal history record and identification files which pertain to the person seeking licensure with the Louisiana Board of Massage Therapy. In addition, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

\* \* \*

Section 2. R.S. 37:3552(10), 3553(C), 3555(A)(4), 3556(A)(6), (B)(introductory paragraph) and (2), and (D), and 3561(A) are hereby amended and reenacted and R.S. 37:3555(A)(6) through (14), 3556(B)(3), 3563(E) through (G), and 3568 are

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 35**

hereby enacted to read as follows:

§3552. Definitions

As used in this Chapter:

\* \* \*

(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.

(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.

(12) Develop a process to monitor massage establishments who have been notified of violations in accordance with R.S. 37:3563.

(13) Develop guidance to follow a consistent and objective approach to properly protect the public from massage therapists who are disciplined in accordance with R.S. 37:3563.

(14)(a) Submit the names of new applicants for licensure to the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, for criminal history background checks. Upon the board's submission of an applicant's fingerprints and such other identifying information as may be required, the Louisiana Bureau of Criminal Identification and Information shall survey its criminal history record and identification files and shall make available to the board all conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

(b) The costs of providing the information required pursuant to this Section shall be charged by the Louisiana Bureau of Criminal Identification, as specified in R.S. 15:587(B), to the board for furnishing the information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files, including any

\* As it appears in the enrolled bill

additional costs of providing the national criminal history records checks, which pertains to the applicant for licensure.

\* \* \*

§3556. Licensure; qualifications

A. No person shall engage in the practice of massage therapy without a current license issued pursuant to this Chapter unless such person is exempt under the provisions of this Chapter. To receive a massage therapist license in the state of Louisiana, an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit evidence satisfactory to the board of meeting the following requirements:

\* \* \*

(6) Has submitted to and cleared a background check as set forth in R.S. 37:3555(A)(14).

B. The requirements set forth in R.S. 37:3556(A)(1) and (2) shall not apply to either any of the following:

\* \* \*

(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 conform to the requirements in force in this state, as determined by the board. The board shall verify the validity of the documents submitted with that state's licensing or registration agency and obtain any transcript information directly from the school identified by the applicant.

(3) Persons who are active or retired military personnel and relocate to this state or his spouse who possesses a license from another state with substantially equivalent licensing requirements pursuant to the provisions of this Chapter.

\* \* \*

D. The board shall issue and deliver, by United States Postal Service or any other delivery option, a license to each person who meets the qualifications provided for in this Section upon payment of the professional license fee provided pursuant to R.S. 37:3562. The license shall include a recent photo of the licensee. The board may deliver a license by electronic transmission if the license contains the licensee's current photo and an electronic watermark or unique QR barcode. The license, in the form of a Licensed Massage Therapist Identification Card (LMT-ID Card), which contains an available anti-copy watermark or lamination, shall grant all professional rights, honors, and privileges to the licensed massage therapist.

\* \* \*

§3561. License renewal requirements

A.(1) Each license shall be renewed annually, on or before its expiration date by submitting a renewal application form, payment of the renewal fee specified in R.S. 37:3562, and providing evidence that the licensee has completed continuing education requirements, as established by rule of the board.

(2)(a) Beginning with the renewal cycle of April 1, 2022, any excess continuing education credits may be applied to the following year only after a licensee has satisfied the license renewal requirements.

(b) In the renewal cycle beginning April 1, 2022, and in this 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 a review of any massage therapist that has been disciplined in accordance with this Section within one calendar year of the infraction or reinstatement of license. The board shall immediately suspend a license pending a disciplinary hearing for any review of a massage therapist that reveals any violations of this Section.

F. 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 infraction or reinstatement of license. The board shall immediately suspend a license or registration of such an establishment upon the establishment's failure of a follow-up inspection indicating continued or new violations of this Section, pending a disciplinary hearing.

G. The board shall impose a fine or penalty on massage establishments that continue to operate without a license. The board shall promulgate in rule the amount of the fine or penalty to be incurred.

\* \* \*

§3568. Human trafficking training

A. The board shall provide training opportunities for its board members, staff, and contract inspectors to help identify signs of human trafficking. The training opportunities required pursuant to this Subsection shall commence no later than ninety days following the effective date of this Part and continue on at least an annual basis thereafter. Failure to participate in the training shall be grounds for removal of any board member, disciplinary action up to termination of employment for any staff person, or the termination of the contract of an inspector.

B. The board shall coordinate with law enforcement agencies and other stakeholders to help identify and address any illicit activity related to human trafficking in the massage industry.

Section 3. R.S. 37:3562(A)(8) and (B) are repealed in their entirety.

Section 4. This Act shall become effective upon signature by the governor

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

Approved by the Governor, June 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  
AN ACT

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 ~~association 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 to the secretary indicating its conditions, willingness, and desire to incorporate into the parish or municipal road system a 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. 48:753. 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. 48:756.

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, BOURRIAQUE, COUSSAN,  
DEVILLIER, EMERSON, FREEMAN, HARRIS, JONES, LARVADAIN,  
MACK, SCHEXNAYDER, AND THOMPSON AND SENATORS BOUIE,

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

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)(3) and (E)(5) and to enact R.S. 30:1103(13), 1104(F), and 1110(F)(7), relative to the underground storage of hydrogen, nitrogen, ammonia, compressed air, or noble gases in underground reservoirs and salt domes; to include hydrogen, nitrogen, ammonia, compressed air, and noble gases as substances that can be stored in underground reservoirs and salt domes; to provide for definitions; to provide for the "reasons for confidentiality" requirements as it relates to certain business records; to provide relative to the Carbon Dioxide Geologic Storage Trust Fund; to provide for certain fee amounts; to authorize contracts for professional services; and to provide for related matters.

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)(3) and (E)(5) 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, or 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 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 begun before the effective date of this Section, and prior to authorizing 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, ~~or 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 use of the salt dome cavity for the storage of liquid or gaseous hydrocarbons, ~~or 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.

\* \* \*

(4) That temporary loss of jobs caused by the storage of liquid or gaseous hydrocarbons, ~~or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law~~ will be corrected by compensation, finding of new employment, or other provisions made for displaced labor.

\* \* \*

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 its deliberations, the committees, acting jointly, may submit a report and recommendations to the commissioner 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, ~~or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law~~, previously reduced to possession and which are subsequently injected and stored in a salt dome cavity, shall at all times be deemed the property of the injector, his successors, or assigns, subject to the provisions of any contract between the owner or owners of the solid mineral or land overlying the area affected as determined by the commissioner of conservation; and providing further that in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which such salt dome cavity may lie, or any other person, be entitled to any right or claim in or to such liquid or gaseous hydrocarbons, ~~or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law~~ 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 for the protection from pollution 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 pertaining to surface storage facilities 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

\* As it appears in the enrolled bill

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exception provided in Subsection B of this Section, the commissioner shall not allow the use of any salt dome in the state of Louisiana for the purposes mentioned herein until such time as he has prepared and promulgated the regulations required herein according to the Louisiana Administrative Procedure Act, ~~R.S. 49:951~~ R.S. 49:950 et seq. In addition, the commissioner shall issue necessary orders, rules, and regulations for the protection of the rights of owners of parts of the salt dome which are adjacent to any part thereof sought to be used for the storage of liquid or gaseous hydrocarbon hydrocarbons, or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law storage.

D.(1) 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, ~~or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas not otherwise prohibited by law.~~ Such determination shall include consideration of the techniques, costs, quantities of oil and gas, ~~or 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.

~~(3)~~(4) “Gas” has the same meaning as provided in R.S. 30:3.

~~(4)~~(5) “Geologic storage” means the long-or short-term underground storage of carbon dioxide in a reservoir.

~~(5)~~(6) “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.

~~(6)~~(7) “Office” means the office of conservation, Department of Natural Resources.

~~(7)~~(8) “Oil” has the same meaning as provided in R.S. 30:3.

~~(8)~~(9) “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.

~~(9)~~(10) “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, salt domes or other saline formations, and coal and coalbed methane seams, suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein.

~~(10)~~(11) “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.

~~(11)~~(12) “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 injected into a storage facility. Ownership of carbon dioxide and use of geologic storage is a matter of private contract between the storage operator and owner, shipper, or generator of carbon dioxide, as applicable.

~~(12)~~(13) “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 business confidentiality” defined in 40 CFR 2.201(e) in the same manner and to the same extent as the EPA, and shall not treat any confidential business information contained within the permit applications as a public record. The commissioner shall promulgate any rules or regulations necessary to implement the provisions of this Subsection.

#### §1110. Carbon Dioxide Geologic Storage Trust Fund

C. The commissioner is hereby authorized to levy on storage operators the following fees or costs for the purpose of funding the fund:

(3) An application fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, by industries under the jurisdiction of the office of conservation. The commissioner may, by rule in accordance with the Administrative Procedure Act, ~~increase any application fee to an amount not in excess of eight and one-half percent above the amount charged for the fee on July 1, 2010; charge a fee that shall not exceed the actual or anticipated cost to the state for the review of the permit or application.~~

E. The fund shall be used solely for the following purposes:

~~(5)(a) Administration of this Chapter by the commissioner in an amount not to exceed seven hundred fifty thousand dollars each fiscal year.~~

~~(b) The Oil and Gas Regulatory Fund created by R.S. 30:21 may be used for the administration of this Chapter as authorized by this Paragraph until June 30, 2014. Any such payments from the Oil and Gas Regulatory Fund shall be repaid from the Carbon Dioxide Storage Trust Fund by June 30, 2018.~~

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

#### HOUSE BILL NO. 574

BY REPRESENTATIVE TRAVIS JOHNSON AND SENATORS BARROW,  
FIELDS, AND JACKSON  
AN ACT

To enact R.S. 13:5722(A)(2)(f) and to repeal R.S. 13:5722(A)(2)(e), relative to court costs in Concordia Parish; to provide for an additional court fee in criminal matters in all courts in Concordia Parish; to provide relative to the coroner’s operational fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5722(A)(2)(f) is hereby enacted to read as follows:

§5722. Coroner's Operational Fund established

A.

(2)

(f) Notwithstanding the provisions of R.S. 13:62, in criminal cases, including traffic violations, in all courts in Concordia Parish, a fee of not less than five dollars nor more than ten dollars may be imposed on every defendant who is convicted after trial or plea of guilty, which fee shall be used solely to defray the operational costs of the office of the coroner of the parish.

Section 2. R.S. 13:5722(A)(2)(e) is hereby repealed in its entirety.

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

#### ACT No. 328

#### HOUSE BILL NO. 587

BY REPRESENTATIVE ROBERT OWEN  
AN ACT

To amend and reenact R.S. 2:2(A)(2) and to enact R.S. 2:2.1, relative to unmanned aerial and aircrafts 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:2(A)(2) is hereby amended and reenacted and R.S. 2:2.1 is hereby enacted to read as follows:

§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 contradicts the exclusive authority of the United States government to regulate unmanned aircraft systems and all unmanned aerial systems shall be null.

#### §2.1. 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 create 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 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.

(2) 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 the 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 committee 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) Approximately how many operators are operating in the state,

(c) Any companies using unmanned aircraft 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 its own 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.

E. 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.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 329

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HOUSE BILL NO. 589

BY REPRESENTATIVE DUPLESSIS AND SENATORS BARROW,  
BOUDREAUX, AND HENSGENS

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

AN ACT

To amend and reenact R.S. 28:66, 67(introductory paragraph) and (1) through (4), 68, 69(A)(2) and (B) through (F), 70(A), (B)(1), (D)(2)(introductory paragraph), (E), and (F), 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 the court to authorize involuntary outpatient treatment; to provide criteria and procedures for civil involuntary outpatient treatment; to provide for written treatment plans; to exempt certain proceedings from fees and court costs; and 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, 69(A)(2) and (B) through (F), 70(A), (B)(1), (D)(2)(introductory paragraph), (E), and (F), 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. A ~~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 unlikely to survive safely in the community without supervision, ~~based on a clinical determination.~~

(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 immediately preceding the filing of the petition.~~

(b) ~~One or 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 in which the person was hospitalized or incarcerated immediately preceding the filing of the petition.~~

(5) The ~~patient respondent~~ is, as a result of his mental illness, unlikely to voluntarily participate in the ~~recommended treatment pursuant to the treatment plan.~~

(6) In view of the treatment history and current behavior of the ~~patient respondent~~, the ~~patient respondent~~ is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in the ~~patient respondent's~~ becoming dangerous to self or others or gravely disabled as defined in R.S. 28:2.

(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. 28:221, any directions included in the directive shall be taken into account by the court in determining the written treatment plan.

(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 receiving services.

(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.~~

(b) For the purposes of this Section, "interested person" means anyone of legal age who has an interest in the outcome of a particular case, which may include but shall not be limited to any adult relative or friend of the respondent, any official or representative of a public or private agency, corporation, or association that is concerned with the respondent's welfare, or any other person found suitable by the court.

\* \* \*

§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 present or reasonably believed to be present 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

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(e) Sex.  
(f) Race.

(2) If the petitioner is unable to provide any of the information listed in this Subsection, the petitioner shall include in the petition the reasons why that information cannot be provided.

~~B. C.~~ 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 and shall state either of the following:

(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~~ a designee of such clinician, has made appropriate attempts to elicit the cooperation 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 mental illness which renders him unlikely to voluntarily participate in the recommended treatment and, in view of the treatment history and current behavior of the respondent, he 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.

(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 and testify at the hearing. The Physician's Report to Court shall be completed on the form provided by the office of behavioral health of the Louisiana Department of Health and provided to the court, the respondent's counsel, and the petitioner's counsel at least three days before the hearing.

(3) The Physician's Report to Court shall set forth specifically the objective factors leading to the conclusion that the respondent has a mental illness that renders him unlikely to voluntarily participate in the recommended treatment and, in view of the treatment history and current behavior of the respondent, he is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in his 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.

(4) The court-appointed physician, psychiatric mental health nurse practitioner, or medical psychologist may be the respondent's treating physician, treating psychiatric nurse practitioner, or treating medical psychologist.

~~B. C.~~ The court shall conduct a hearing on the petition which shall take precedence over all other matters, except pending cases of the same type. The court shall admit evidence according to the Louisiana Code of Evidence. Witnesses and evidence tending to show that the patient respondent is a proper subject for outpatient placement shall be presented first. If the patient respondent does not appear at the hearing, and service of process was proper and appropriate attempts to elicit attendance failed, the court may conduct the hearing in the absence of the patient respondent, but the court shall state the factual basis for conducting the hearing without the patient respondent.

~~E. D.~~ The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, or psychologist, who has personally examined the patient within the time period commencing ten days before the filing of the petition respondent, testifies at the hearing, in person or via electronic means, with consent of all the parties, regarding the categories of involuntary outpatient treatment recommended, the rationale for each category, facts which establish that such treatment is the least restrictive alternative, and, if recommended, the beneficial and detrimental physical and mental effects of medication; and whether such medication should be self-administered or administered by an authorized professional.

~~D. E.~~ If the patient respondent has refused to be examined by a the court-ordered physician, psychiatric mental health nurse practitioner, or psychologist, the court may order the subject to undergo an examination by a physician, psychiatric mental health nurse practitioner, or psychologist appointed by the court. If the patient refuses to undergo the court-ordered examination and the court finds reasonable cause to believe that the allegations in the petition are true, the court may shall order the sheriff's department to take the patient 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. 28:68(B), if he is privileged or otherwise authorized by the hospital or emergency receiving center. If such examination is performed by another The examining physician, psychiatric mental health nurse practitioner, or psychologist, he shall be authorized to consult with the respondent's treating physician, psychiatric mental health nurse practitioner, or psychologist whose affidavit or Physician's Report to Court accompanied the petition regarding the issues of whether the allegations in the petition are true and whether the patient meets the criteria for involuntary outpatient treatment.

~~E. E.~~ A physician, psychiatric mental health nurse practitioner, or psychologist who testifies pursuant to Subsection ~~E D~~ of this Section 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, the recommended involuntary outpatient treatment includes medication, the testimony of the physician, psychiatric mental health nurse practitioner, or medical psychologist shall describe the types or classes of medication which should be authorized, 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, or a microfilm duplicate of such records. All records maintained in courts 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 for cause shown. Any hearing conducted in accordance with this Subsection shall be closed to the public.

§70. Written treatment plan for involuntary outpatient treatment

A. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, or psychologist develops and provides to the court a proposed written treatment plan. The respondent, and any other individual whom the respondent may designate, shall be afforded a reasonable opportunity to participate in the development of the written treatment plan. The treatment plan shall reflect the expressed preferences of the respondent to the extent the preferences are reasonable and consistent with the respondent's best interests. The written treatment plan shall be deemed appropriate by the director as well as the patient and upon his request, an individual significant to him and concerned with his welfare. The written treatment plan shall include appropriate services to provide care coordination. The written treatment plan shall also include appropriate categories of services, as set forth in Subsection D of this Section, which the patient respondent is recommended to receive and are available to the patient respondent. The written treatment plan shall specify a provider that has agreed to provide each of the specified services. If the written treatment plan includes medication, it shall state whether the medication should be self-administered or administered by authorized personnel, and shall specify type and dosage range of medication most likely to provide maximum benefit for the patient respondent.

B. If the written treatment plan includes substance-related or addictive disorder counseling and treatment, it may include a provision requiring testing for either alcohol or illegal substances provided the clinical basis for recommending such plan provides sufficient facts for the court to find all of the following:

(1) The patient respondent has a history of a substance-related or addictive disorder that is clinically related to the mental illness.

\* \* \*

D.

\* \* \*

(2) Services may include but are not limited to the following categories and will depend upon the availability in the patient's respondent's area:

\* \* \*

~~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.(1) The written treatment plan is subject to reviews before the court with the patient respondent and at least one representative of the treatment team. The initial frequency shall be stipulated in the treatment plan and modified with the court's approval.

(2) ~~The court order required court-ordered~~ blood or laboratory testing shall may be subject to review after six months by the physician, psychiatric mental health nurse practitioner, or psychologist who developed the written treatment plan or who is designated by the director, and the blood or laboratory testing may be terminated without further action of the court.

§71. Disposition



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~~ 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 court 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 director or his designee certifies it is certified to the court 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 order shall direct 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 services are available, the court order shall require the appropriate director 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 unless such change is contemplated in the order. For purposes of this Subsection, a material change shall mean an addition or deletion of a category of involuntary outpatient treatment service, or any deviation without the consent of the patient respondent from the terms of an existing order relating to the administration of psychotropic drugs, or a 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 type ordered by the court. Any application for court approval shall be served upon all persons required to be served with notice of a petition for an order authorizing involuntary outpatient treatment. 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. E. Failure to comply with an order of assisted assistive 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 a petition for an extension has been filed. If any person or entity authorized within R.S. 28:67 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, a judicial review can be scheduled and all persons listed in R.S. 28:69(A) are to receive notice. When a physician, psychiatric mental health nurse practitioner, or psychologist determines the respondent has failed to comply with the ordered treatment, the local governing entity, case manager, or assertive community treatment provider shall 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 assertive community treatment provider, and the patient may be in need of involuntary admission to a treatment facility, If either party alleges noncompliance despite the efforts referred to in Subsection A of this Section, a judicial hearing shall be scheduled and all persons listed in R.S. 28:69(A) are to receive notice.~~

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

~~C. When a physician, psychiatric mental health nurse practitioner, or psychologist determines that the respondent meets the relevant criteria, he may execute an emergency certificate in accordance with R.S. 28:53, request an order for custody in accordance with R.S. 28:53.2, or seek a judicial commitment in accordance with R.S. 28:54. Any period of hospitalization shall not invalidate the order for assistive outpatient treatment.~~

~~C. If the patient D. If the respondent refuses to take medication or refuses to take or fails blood or other laboratory tests as required by court order, the physician, psychiatric mental health nurse practitioner, or psychologist may consider his refusal in determining whether the patient respondent is in need of inpatient treatment services.~~

\* \* \*

#### §77. Fees and court costs

Assistive outpatient treatment proceedings shall be exempt from charges for filing fees or taxing of court costs.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

#### 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 subsidence of 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 graduations 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 day of 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.

A true copy:

R. Kyle Ardoin  
Secretary of State

#### ACT No. 331

HOUSE BILL NO. 622  
BY REPRESENTATIVES THOMPSON, ADAMS, BACALA, BAGLEY,  
BOURRIQUE, BROWN, BRYANT, BUTLER, CARRIER, ROBBY  
CARTER, COX, DESHOTEL, ECHOLS, EDMONSTON, FARNUM,  
FIRMINT, GADBERRY, HORTON, ILLG, JEFFERSON, MIKE JOHNSON,  
TRAVIS JOHNSON, JONES, KERNER, LACOMBE, LYONS, MCCORMICK,  
MCFARLAND, MCKNIGHT, MCMAHEN, DUSTIN MILLER, GREGORY

\* As it appears in the enrolled bill

THE ADVOCATE  
PAGE 41

AN ACT

To amend and reenact R.S. 3:312(4) and (5), 313(8) through (10), and 314(B) and to enact R.S. 3:313(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 Louisiana Rural Development Law; to provide for definitions; to provide for employees in the state office of rural development; to provide for 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. 3:312(4) and (5), 313(8) through (10), and 314(B) are hereby amended and reenacted and R.S. 3:313(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 state office of rural development. The 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 integrated efforts among such 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 and to the legislature the 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 Chapter 1 of Title 33 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.

(11) "State agency" means any department, office, council, or agency of the state, or any public benefit corporation or authority authorized by the laws of the state.

§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 serve under the supervision of the director and assist 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 systems essential to the socioeconomic well-being of Louisiana's rural population, it is necessary that the state encourage and support the creation of 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 that deposited as required in Subsection A of this Section and 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 only 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, again following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

C. The monies in the Rural Development Fund shall be used by the office of rural development solely to fund projects developed and coordinated jointly by the office of rural development and the Department of Transportation and Development in rural areas of this state and for the administration and implementation of the provisions of this Chapter.

D. The Rural Development Fund is hereby authorized to receive monies from the sale of general obligation bonds of the state issued pursuant to Article VII, Section 6 of the Constitution of Louisiana. Such proceeds are to be used for the constitutionally permissible purposes of making capital improvements, providing relief from natural catastrophes, or for the matching of federal funds received for such purposes.

§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 for such purposes, the director of the office of rural development may employ 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 action that it implements prior to the initiation of the program or funding action. Specifically, 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 the determination of 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 agriculture, forestry, 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. 3:313.

(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

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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 term of commissioners; 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

A.(1) There is hereby created a commission to be known as the Avoyelles Parish Port Commission, which shall be composed of ~~nine~~ five members, at least ~~three~~ one of whom shall be ~~minorities~~ a minority, with ~~one~~ member domiciled in each police jury district who shall serve without compensation and who shall be appointed, subject to Senate confirmation, as follows:

(2)(a) ~~Each member~~ The members 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 representative representing House District Twenty-Eight shall select

~~one commissioner, and the senator senators~~ representing Senate District Twenty-Eight, and ~~the senator representing~~ Senate District Thirty-Two shall collectively select one commissioner. Each nominee commissioner shall be domiciled in the police jury district that the police jury member represents Avoyelles Parish.

~~(b) A majority of the legislators consisting of the representative representing House District Twenty-Eight, the senator representing Senate District Twenty-Eight, and the senator representing Senate District Thirty-Two shall appoint one nominee from each list of nominees submitted to serve as commissioners.~~

~~(3)(a) 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 year. Commissioners appointed thereafter 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 February first and be completed within thirty days.~~

~~(b)(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 lot at the first meeting of the board.~~

~~(iii) For purposes of this Subparagraph, "selection by lot" 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 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. 333**

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HOUSE BILL NO. 627

BY REPRESENTATIVE HUVAL  
AN ACT

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 reservation 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 property.

Section 3. 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 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 Tract #1 described above 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 0.86 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 Tract #1 described above 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, to the property 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 Marvin D. France:

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: 0740001126 Containing approximately 1.13 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,

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 Marvin D. France, in exchange for consideration proportionate to the appraised value of the property.

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, the state may have in and to all or any portion of the following described property in St. Martin Parish to Warren Lockridge and Janice Harris:

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: 0740001028, Containing approximately 1.19 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana.

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 13 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

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**ACT No. 334**

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**HOUSE BILL NO. 635**  
**BY REPRESENTATIVE GLOVER**  
**AN ACT**

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~~ 2021-2022 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,

(c) One unit chosen from the following: English III, AP English Language Arts and Composition, or English III IB (Language A or Literature and Performance).

(d) One unit chosen from the following: English IV, AP English Literature and Composition, or English IV IB (Language A or Literature and Performance).

(2) Mathematics - Four Units

(a) Algebra I (one unit), Geometry (one unit), and Algebra II (one unit), Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III may be substituted for the Algebra I, Geometry, and Algebra II sequence.

(b) One unit chosen from the following: Algebra III; Advanced Math Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL.

(3) Science - Four Units

(a) Biology I,

(b) Chemistry I,

(c) Two units chosen from the following: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II, AP Chemistry, or IB Chemistry II; AP Environmental Science, or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II, AP Biology, or IB Biology II.

(4) Social Studies - Four Units

(a) One unit chosen from the following: U.S. History, AP US History, or IB US History.

(b) One unit chosen from the following: Civics, Government, AP US Government and Politics: Comparative, AP US Government and Politics: United States.

(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.

(5) Foreign Language - two units in the same language, which may include the following: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB.

(6) Art - one unit chosen from the following: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Art I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theatre Arts I, II, III, and IV; Speech III and Speech IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting.

(7) For the purposes of this Section, any core curriculum course that is taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student's Individualized Education Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 335**

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**HOUSE BILL NO. 638**  
**BY REPRESENTATIVES HILFERTY AND DUPLESSIS**  
**AN ACT**

To amend and reenact R.S. 32:406 and 412.1(B) and to enact R.S. 40:1321(S) and R.S. 47:472(C), relative to driver's license transactions; to provide relative to the issuance of Class "D" and "E" driver's license transactions for a change of address; to authorize a licensee to update their permanent address in person, by mail, or online; to exempt certain driver's license handling fees; to provide relative to the issuance of a Real ID compliant license; to exempt certain duplicate certificate of registration fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:406 and 412.1(B) are hereby amended and reenacted to read as follows:

§406. Licensee must give notice of change of address

A. Whenever any person after applying for or receiving a license shall move permanently from the address or place of residence named in the application he shall, within ten days thereafter, notify the driver's license division, in writing or electronically of such change and of his new address.

B.(1) A licensee may update their permanent address in person, by mail, or online to correct their address for the issuance of a Class "D" or "E" license. The reconstructed driver's license shall be mailed to the licensee's updated permanent address.

(2) No cost shall apply pursuant to R.S. 32:412.1 and R.S. 32:413 for transactions to correct an address due to the renaming of a street or highway in accordance with a parish or municipal ordinance.

C. The provisions contained in Subsection B of this Section shall not apply to a license which is Real ID compliant. The address of a Real ID compliant license shall be changed at a motor vehicle field office or the office of a public license tag agent authorized to issue Real ID compliant licenses.

\* \* \*

§412.1. Handling charges

\* \* \*

B.(1) Except as provided in Subsection E of this Section, the office of motor

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.

- ~~(1)(a)~~ New applications.
- ~~(2)(b)~~ Renewals.
- ~~(3)(c)~~ Duplicates.
- ~~(4)(d)~~ 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 when 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; fees; expiration and renewal; exceptions; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

\* \* \*

S. 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. 47:472(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 a parish or municipal ordinance.

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

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**ACT No. 336**  
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HOUSE BILL NO. 640

BY REPRESENTATIVES SCHEXNAYDER, TRAVIS JOHNSON, AND  
MCFARLAND AND SENATOR CATHEY  
AN ACT

To amend and reenact R.S. 3:1402, 1461, 1462, 1464(8), 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 1693(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(8), 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) 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 ~~transportation 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.

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

~~(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)(6) "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. 1639e.~~

~~(9)(7) "Grower" means any individual, partnership, corporation, cooperative association, or other business entity that is licensed by the department to cultivate industrial hemp.~~

~~(10)(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 or process 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.~~

~~(e) Receiving industrial hemp material for testing.~~

~~(9) "Handler" means any individual, partnership, corporation, cooperative association, or other business entity that handles industrial hemp.~~

~~(11)(10) "Industrial hemp" means the plant Cannabis sativa L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with no more than the federally defined THC level for hemp: a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.~~

~~(12)(11) "Industrial hemp seed" means Cannabis sativa L. seed or other propagating stock which have been inspected and sampled during their period of growth and preparation for market by the commissioner, or by the inspection official of the state in which the seeds or propagating stock were grown, and which have been found to conform to the regulations issued by the commission pursuant to this Part.~~

~~(13) "Key participant" means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. "Key participant" does not include non-executive managers such as farm, field, or shift managers.~~

~~(14)(12) "Licensure" means any license that the department is authorized to issue to a grower, seed producer, ~~contract carrier,~~ and processor, or handler of industrial hemp.~~

~~(15)(13) "Process" means converting industrial hemp into a marketable form.~~

~~(16)(14)(a) "Processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for storage or processing into commodities, or products, ~~or industrial hemp seed.~~~~

~~(b) "Processor" shall not include a consumable hemp processor as defined in R.S. 3:1481.~~

~~(15) "Seed producer" means a person licensed by the department to obtain, produce, transport, and sell industrial hemp seed in the state.~~

~~(17)(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.~~

~~(18)(17) "THC" means a combination of tetrahydrocannabinol, and tetrahydrocannabinolic acid, ~~or a combination of both.~~~~

~~(19)(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.

~~(a) Submit the state plan to the House and Senate committees on agriculture for approval no later than October 15, 2019.~~

~~(b) Submit the state plan for approval by the United States Secretary of Agriculture no later than November 1, 2019.~~

\* \* \*

§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,

\* As it appears in the enrolled bill

transport, and sell approved seeds to licensed industrial hemp growers, seed producers, handlers, and processors.

~~(a)(b)~~ A licensed industrial hemp seed producer shall ensure that the seed complies with the standards set by the commission.

~~(b)(c)~~ 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, process, 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 handle industrial hemp in this state.

C.(1) The application for any grower, processor, ~~contract carrier, handler, or industrial hemp seed producer~~ license shall include the following information:

(a) The name and address of the applicant.

(b) The name and address of the designated responsible party, if the applicant is a business entity.

~~(c) Except for the contract carrier applicant, if applicable,~~ the legal description and global positioning coordinates of the land area to be used to produce or process industrial hemp.

D.(1) Upon application for initial licensure or annual license renewal, each applicant shall be required to submit to a criminal background check pursuant to the provisions of this Subsection. For purposes of this Subsection, “applicant” shall mean an applicant, ~~key participant,~~ or designated responsible party as defined in R.S. 3:1462.

F. The provisions of this Section shall not apply to the Louisiana State University Agricultural Center, the Southern University Agricultural Center, the University of Louisiana at Monroe Agribusiness Program, and the University of Louisiana at Monroe College of Pharmacy when performing research and development as provided for in R.S. 3:1469.

#### §1466. Records required

A. Every grower, processor, ~~contract carrier, handler,~~ and industrial hemp seed producer shall maintain full and accurate records as required by rules and regulations of the department.

B. The department’s rules and regulations on record keeping shall, at a minimum, require the following:

(2) Growers and seed producers shall maintain documentation of traceability from seed acquisition to harvest to crop termination.

#### §1468. Testing; inspections

A.(1) The department shall collect samples to test all industrial hemp crops prior to harvest to ensure the THC concentration does not exceed the federally defined THC level for hemp a total delta-9 THC concentration of 0.3 percent on a dry weight basis. The grower shall harvest his approved industrial hemp plants not more than ~~fifteen~~ thirty days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(2) The department may enter into contracts, cooperative endeavor agreements, memoranda of understanding, or other agreements with any public postsecondary education institution for the testing of THC levels in industrial hemp crops or industrial hemp products deemed necessary by the commissioner.

B. In addition to any scheduled testing, the department may randomly inspect any industrial hemp crop or industrial hemp product in the possession of any person or entity with a grower, processor, ~~contract carrier, handler,~~ or industrial hemp seed producer license and take a representative composite sample for field THC concentration analysis if the department has reason to believe a violation of this Part has occurred. ~~If an industrial hemp crop or industrial hemp product contains a THC concentration that exceeds the federally defined THC level for hemp, the department may detain, seize, destroy, or embargo the industrial hemp crop or industrial hemp product.~~

~~C. Any facility processing industrial hemp products for consumption shall be subject to inspection by the Louisiana Department of Health as provided for in R.S. 40:631.~~

#### §1469. 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,

or transport industrial hemp in any of the following circumstances:

(4) If the Cannabis sativa L. plant or any part of that plant would otherwise be 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 to the public information, resources, and educational opportunities concerning industrial 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 alcohol and tobacco 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.~~

(2) “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.

(3)(a) “Consumable hemp product” means any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, and is intended for consumption or topical use.

(b) “Consumable hemp product” shall include commercial feed, pet products, and hemp floral material.

~~(3)(4) “Department” means the Louisiana Department of Health.~~

~~(4) “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. 1639e.~~

(5) “Industrial hemp” or “hemp” means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with no more than the federally defined THC level for hemp a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

~~(6) “Industrial hemp-derived CBD product” means any industrial hemp-derived product that contains CBD intended for consumption or topical use.~~

~~(7)(6) “Remote retailer” means a person or entity who offers any industrial hemp-derived CBD consumable hemp product for sale at retail, or for any transaction of products in lieu of a sale, through a digital application, catalog, or the internet, that can be purchased and delivered directly to a consumer in Louisiana.~~

~~(8)(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.~~

~~(9)(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.

#### §1482. CBD Consumable hemp products; prohibitions

A. No person shall ~~process or sell:~~

~~(1) Any any part of hemp for inhalation, except for hemp rolling papers.~~

~~B. No person shall process or sell:~~

~~(2)(1) Any alcoholic beverage containing CBD cannabidiol.~~

(2) Any consumable hemp product without a license or permit required pursuant to this Part.

~~(3) Any food product or beverage containing CBD unless the United States Food and Drug Administration approves CBD as a food additive.~~

B.C. It shall be unlawful for any person to knowingly, willfully, or intentionally violate the provisions of this Section. Whoever knowingly, willfully, or intentionally violates the provisions of this Section shall be penalized as follows:

(1) On a first conviction, the offender shall be fined not more than three hundred dollars.

(2) On a second conviction, the offender shall be fined not more than one thousand dollars.

(3) On a third or subsequent conviction, the offender shall be fined not more than five thousand dollars.

D. The provisions of this Part shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than the provisions of this Part.

§1483. Product approval; consumable hemp processors; Louisiana Department of Health

A.(1) Each consumable hemp processor shall obtain an annual consumable hemp processor license issued by the department. The department shall charge and collect an annual consumable hemp processor license fee. The

fee shall be for each separate processing facility and shall be based on the annual sales of such facility according to the following schedule:

| Annual Sales              | Annual Fee |
|---------------------------|------------|
| Under \$500,000           | \$175.00   |
| \$500,001 - \$1,000,000   | \$475.00   |
| \$1,000,001 - \$2,500,000 | \$775.00   |
| \$2,500,001 - \$5,000,000 | \$1,075.00 |
| Over \$5,000,000          | \$1,375.00 |

(2) A consumable hemp processor shall adhere to any sanitary regulations promulgated by the department.

A-B. Any CBD consumable hemp product that is manufactured, distributed, imported, or sold for use in Louisiana shall:

(1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state 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.

(6) Not contain a total delta-9 THC concentration of more than 0.3 percent on a dry weight basis.

(7) Not contain a total THC concentration of more than one percent on a dry weight basis.

(8) Not contain any cannabinoid that is not naturally occurring.

B-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 web address linked to a document or website that contains a certificate of analysis as provided in Subsection C E of this Section.

D. In addition to the requirements provided in Subsections B and C of this Section, floral hemp material shall:

(1) Be contained in tamper-evident packaging. A package shall be deemed tamper-evident if it clearly indicates prior access to the container.

(2) Not be labeled or marketed for inhalation.

C. In addition to the registration requirements established by the department, the E. The application for registration shall include a certificate of analysis containing the following information:

(1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.

(2) Test results identifying the cannabinoid profile by percentage of dry weight, solvents, pesticides, microbials, and heavy metals.

D-F. The certificate of analysis required by Subsection C 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.

E-G. The department shall provide a list of registered products to the office of alcohol and tobacco control, law enforcement, and other necessary entities as determined by the department.

F-H. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any CBD cannabinoid product derived from any source other than hemp.

I. 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.

J. Whoever processes consumable hemp products without a license shall be subject to imprisonment at hard labor for not less than one year nor more than twenty years and shall be fined not more than fifty thousand dollars.

G-K. The provisions of this Part shall not apply to any CBD cannabinoid product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

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 pursuant to R.S. 40:628.

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-L. 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, procedures for label approval, 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.(1) Each wholesaler of consumable hemp products shall apply for and obtain a permit from the office of alcohol and tobacco control.

(2) The commissioner may establish and collect an annual wholesaler permit fee. The amount of the wholesaler permit fee shall be based on the cost of the regulatory functions performed and shall not exceed five hundred dollars per year.

A-B.(1)(a) 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.

(a)(b) 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.

(b) 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.

(2) 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.

(3) 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.

(4) No industrial hemp-derived CBD consumable hemp product shall be sold to any person under the age of eighteen years.

B-C. 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.

C-D. The commissioner may, in addition to revocation or suspension of a permit issued under the authority of this Section, impose the following fines for selling at retail hemp-derived CBD products without a permit: Any person who violates any of the 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.

D-E. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part shall be subject to having his permit suspended or revoked. Any fine imposed pursuant to this Part or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation on the imposition of any other penalty provided by law.

E-F. In addition to the commissioner's authority to revoke or suspend a permit pursuant to this Section, the secretary of the Department of Revenue shall order the commissioner to immediately suspend the retailer's permit if the secretary determines that an industrial hemp-derived CBD a consumable hemp product retailer has failed to timely file returns or pay taxes as required by R.S. 47:1693. The secretary shall order the commissioner to suspend the retailer's permit until the returns have been filed and the taxes are paid. No permit shall be suspended for taxes which have been properly protested or appealed by the retailer pursuant to R.S. 47:1565 or 1567.

G. The office of alcohol and tobacco control shall investigate any report of a violation of a provision of this Part and report any criminal violation to the appropriate law enforcement agency.

F-H. The commissioner shall 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 residency, 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.

\* \* \*

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, handlers, 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 definition as set forth in R.S. 3:1481.

~~(2) Solely for purposes of the imposition of the industrial hemp-derived CBD tax, “consumer”~~ “Consumer” means either a business entity or a person who purchases industrial hemp-derived CBD products, consumable hemp products.

~~(3) Solely for purposes of the imposition of the industrial hemp-derived CBD tax, “industrial hemp” means the plant Cannabis sativa and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, and produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture, or under an approved state 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. Industrial hemp shall not include plants of the Genus Cannabis that meet the definition of “marijuana” as defined in R.S. 40:961.~~

~~(4) “Industrial hemp-derived CBD product” means any industrial hemp-derived product that contains CBD intended for consumption or topical use.~~

~~(5) Solely for purposes of the imposition of the industrial hemp-derived CBD tax, “retail sale”~~ (3) “Retail sale” means the sale or transfer of industrial hemp-derived CBD consumable hemp 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 consumable hemp products for further processing into a product produced in accordance with R.S. 40:1046.

~~(6) Solely for purposes of the imposition of the industrial hemp-derived CBD tax, “retailer”~~ (4) “Retailer” means a person or entity that sells or offers for sale industrial hemp-derived CBD consumable hemp products to a consumer. Retailer shall also include any person or entity that imports or causes to be imported from any other state industrial hemp-derived CBD consumable hemp products for use or consumption.

~~(7)(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 consumable hemp products~~ within the state of Louisiana. The tax levied in this Chapter shall be at the rate of three percent of the retail sales price of ~~industrial hemp-derived CBD products~~ the consumable hemp product. The excise tax shall be levied in addition to state and local sales and use tax or any other tax, and shall be reported monthly by the retailer on forms prescribed by the secretary and paid by the retailer on or before the twentieth day of the month following the month to which the tax is applicable.

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 337**

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HOUSE BILL NO. 647

BY REPRESENTATIVES TRAVIS JOHNSON, BUTLER, DESHOTEL,  
MCMAHEN, MIGUEZ, ROMERO, SELDERS, THOMPSON, AND WHITE  
AN ACT

To enact Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:341 through 347, relative to agricultural research and sustainability in the delta region of the state; to create and provide for the Delta Agriculture Research and Sustainability District; to provide for the governance, powers, duties, and funding of the district; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes

of 1950, comprised of R.S. 3:341 through 347, is hereby enacted to read as follows:

PART IV. DELTA AGRICULTURE RESEARCH AND SUSTAINABILITY DISTRICT

§341. Delta Agriculture Research and Sustainability District; creation; purpose; territorial jurisdiction

A. The Delta Agriculture Research and Sustainability District, referred to in this Part as the “district”, is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana.

B. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of the district, is hereby granted all of the rights, powers, privileges, and immunities granted to or authorized for political subdivisions for industrial, commercial, research, and economic development purposes including but not limited to the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations provided in this Part.

C. The district 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; officers

A. The district shall be governed by a board of commissioners, referred to in this Part as the “board”, 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 Vidalia 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 and 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.



H. The board shall prescribe rules to govern its meetings, may draft and implement bylaws to control and implement the activities of the board, and shall maintain suitable offices in the district.

I. The board shall hire a district director to manage the day-to-day operations of the district. The board shall establish the duties and responsibilities and the salary and benefits for the position of district director. The district director shall report directly to the board and, with the approval of the board, may hire an administrative assistant.

§343. Powers of district

A. The district shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to rights and powers set out in this Section:

(1) To sue and be sued.

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

(3) To acquire by gift, grant, or purchase, but not by expropriation, all property, including rights-of-way, and to hold and use any franchise or property, immovable, movable, corporeal or incorporeal, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district, including but not limited to the establishment, maintenance, and operation of a board office and research facility.

(4) To enter into contracts for the purchase, acquisition, construction, and improvement of works and facilities.

(5) 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.

(6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

(7) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.

(8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(9) To seek, apply for, or receive any donations, financial assistance, or monies by way of public or private grants or investors.

B. The district shall not be deemed to be an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

§344. Obligations of the district

A. The district shall have 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 debt, and to provide for the security and payment thereof.

B.(1) The district may in its own name and behalf borrow from time to time in the form of certificates of indebtedness. The certificates shall be secured by the dedication and pledge of monies of the district derived from any lawful sources, including fees, lease rentals, service charges, local service agreement payments from one or more other contracting parties, or any combination of such sources of income, provided that the term of such certificates shall not exceed ten years and the annual debt service on the amount borrowed shall not exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as shall be estimated by the board of the district at the time of the adoption of the resolution authorizing the issuance of such certificates. The estimate of the board referred to in the authorizing resolution shall be conclusive for all purposes of this Section.

(2) The board, as the governing authority of the district, is authorized to adopt all necessary resolutions or ordinances which may be necessary for ordering, holding, canvassing, and promulgating the returns of any election required for the issuance of general obligation bonds, which resolutions or ordinances may include covenants for the security and payment of any bonds or other evidence of debt so issued.

(3) For a period of thirty days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes, or other evidence of debt of the district, any interested person may contest the legality of such resolution or ordinance and the validity of such bonds, certificates of indebtedness, notes, or other evidence of debt issued or proposed to be issued thereunder and the security of their payment, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw into question the legality of the bonds, certificates of indebtedness, notes, or other evidence of debt, the security therefor, or the debts represented thereby for any cause whatever, and it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of thirty days.

(4) The issuance and sale of such bonds, certificates of indebtedness, notes, or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

(5) Such bonds, certificates of indebtedness, notes, or other evidence of debt shall have all the qualities of negotiable instruments under the commercial laws of the state of Louisiana.

§345. Securities

Bonds, certificates, or other evidence of indebtedness issued by the district under this Part are deemed to be securities of public entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and may be

refunded in accordance with the provisions of Chapters 14-A and 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short-term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950.

§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 all taxation 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 I, 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

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**ACT No. 338**

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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. 40:1730.23(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

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**ACT No. 339**

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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 notifications required 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:

(i) If the best interest of the child so requires, the department shall request a judicial review upon request of either party or on the department's own initiative. If appropriate, the court may modify the amount of the existing child support award every three years if the existing award differs from the amount which would otherwise be awarded under the application of the child support guidelines.

(ii) Upon the request of either party or on the department's own initiative after an obligor's incarceration ends when the child support award has been suspended under R.S. 9:311.1. For the purpose of this Section, "incarceration" shall have the same meaning as provided in R.S. 9:311.1.

(iii) Upon the request of either party or on the department's own initiative upon the incarceration of any party.

(b) A material change in circumstances shall not be required for the purpose of this Paragraph.

\* \* \*

§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, ~~or is sentenced to, with or without hard labor, any period of one hundred eighty consecutive days or more, unless any of the following conditions exist:~~

(1) ~~The obligor has the means to pay support while incarcerated.~~

(2) ~~The obligor is incarcerated for an offense against the custodial party or the child subject to the support order.~~

(3) ~~The incarceration resulted from the obligor's failure to comply with a court order to pay child support.~~

B. As used in this Section:

(1) "Child support order" shall have the same meaning provided in Children's Code Article 1301.2.

(2) "Incarceration" means placement of an obligor in a county, parish, state or federal prison or jail, in which the obligor is not permitted to earn wages from employment outside the facility. "Incarceration" does not include probation or parole.

(3) "Support enforcement services" shall have the same meaning as provided in R.S. 46:236.1.1.

(4) "Suspension" means the modification of a child support order to zero dollars during the period of an obligor's incarceration.

C. The Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, shall notify the Department of Children and Family Services of any person who has been in their custody and may be subject to a child support ~~obligation~~ order if either:

(1) ~~The person will be or is~~ incarcerated for, ~~or is sentenced to, with or without hard labor, one hundred eighty consecutive days or longer.~~

(2) ~~At least six months before the~~ The person who was the subject of notification under Paragraph (1) of this Subsection is scheduled to be released from incarceration, as defined in Subsection B of this Section. The timeframe for such notification under this Paragraph shall be determined by an interagency agreement between the Department of Children and Family Services and the Department of Public Safety and Corrections.

~~D.(1) When the Department of Children and Family Services is providing support enforcement services, the department shall, upon receipt of notice in accordance with Paragraph (C)(1) Subsection C of this Section, verify that none of the conditions in Subsection A exists~~ provide notice to the custodial party by regular mail.

(2) ~~Upon finding that none of the conditions in Subsection A exists, the department shall provide notice to the custodial party by certified mail, return receipt requested. The notice shall state all of the following:~~

(a) ~~The child support order shall be suspended unless the custodial party objects no later than fifteen calendar days after receipt of such notice on any of the following grounds:~~

(i) ~~The obligor has sufficient income or assets to comply with the order of child support.~~

(ii) ~~The obligor is incarcerated for an offense against the custodial party or the child subject to the order of child support.~~

(iii) ~~The offense for which the obligor is incarcerated is due to the obligor's failure to comply with an order to pay child support.~~

(b) ~~The custodial party may object to the proposed modification by delivering a signed objection form, indicating the nature of the objection to the department no later than fifteen calendar days after receipt of the notice in this Paragraph.~~

(3) ~~If no objection is received from the custodial party in accordance with Paragraph (2) of this Subsection;~~

E.(1) No more than fifteen days after receiving notice as provided in Paragraph (C)(1) of this Section, the department shall file an affidavit with the court that has jurisdiction over the order of child support. The affidavit shall include all of the following:

(a) ~~The beginning and expected end dates of such obligor's incarceration.~~

(b) ~~A statement by the affiant of all of the following:~~

(i) ~~A diligent search failed to identify any income or assets that could be used to satisfy the order of child support while the obligor is incarcerated.~~

(ii) ~~The offense for which the obligor is incarcerated is not an offense against the custodial party or the child subject to the order of child support.~~

(iii) ~~The offense for which the obligor is incarcerated is not due to the obligor's failure to comply with an order to pay child support.~~

(iv) ~~A notice was provided to the custodial party in accordance with Paragraph (2) of this Subsection and an objection was not received from such party.~~

(4)(2) ~~The suspension of the order of child support order shall begin upon the date that the department files the affidavit.~~

(5) ~~If the custodial party makes a timely objection, the department shall file a contradictory motion with the court that has jurisdiction over the order of child support.~~

(6) ~~If a timely objection is made, the order of child support shall continue until further order of the court.~~

~~E.F. Nothing in this Section shall prevent either party from seeking a suspension or a modification of the order of child support order under this Section or any other provision of law.~~

~~F.(1) Upon motion of either party or the Department of Children and Family Services, after notice and hearing, the court shall suspend the child support obligation unless it finds one of the conditions in Subsection A of this Section exists.~~

(2) ~~If one of the conditions in Subsection A of this Section exists, the court shall use the child support guidelines in R.S. 9:315 et seq. to determine an obligor's support obligation during his period of incarceration.~~

G.(1) An order of support A child support order suspended in accordance with this Section shall resume by operation of law on the first day of the second full month after the obligor's release from incarceration.

(2) An order that suspends an obligor's order of support a child support order because of the obligor's incarceration shall contain a provision that the previous order will be reinstated on the first day of the second full month after the obligor's release from incarceration.

(3)(a)(i) If the obligor is released from incarceration while the child is a minor, the Department of Children and Family Services or either party shall petition the court prior to the first day of the second full month after the obligor's release from incarceration for a modification hearing to establish the terms of the previously suspended child support order. Unless the terms of the order of support have been otherwise modified, the suspended order of support shall resume at the same terms that existed before the suspension.

(ii) At the modification hearing, the court may continue the award beyond the termination date provided by R.S. 9:315.22. If the court extends the child support award, the amount of support shall be established using the child support guidelines. Any continuation of a child support award extended pursuant to this Subsection shall not exceed the amount of time the child support order was suspended.

(b) If the obligor is released from incarceration after the child has reached the age of majority, the custodial party or the child may petition the court to establish an award of support for the period of suspension within twenty-four months of the obligor's release from incarceration. The amount of support shall be established using the child support guidelines. Any child support award established pursuant to this Subsection shall not exceed the amount of time the child support order was suspended.

~~H. The suspension of an order of support in accordance with Nothing in this Section shall not affect any past due support that has accrued before the effective date of the suspension reduction.~~

~~I. The provisions of this Section shall not apply if a court does not have continuing exclusive jurisdiction to modify the order of child support order in accordance with Children's Code Article 1302.5.~~

\* \* \*

§315.11. Voluntarily unemployed or underemployed party

\* \* \*

C. A party shall not be deemed voluntarily unemployed or underemployed if either:

\* \* \*

(2) ~~He is or was incarcerated for one hundred eighty consecutive days or longer and is unemployed or underemployed as a direct result of the incarceration. "Incarceration" shall have the same meaning provided in R.S. 311.1.~~

Section 2. R.S. 9:315.27 is hereby repealed in its entirety.

Section 3. The secretary of the Department of Children and Family Services shall promulgate rules necessary to implement the provisions of this Act in accordance with the Administrative Procedure Act.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State