

# ACTS OF 2021 LEGISLATURE

## Acts 182-274

### ACT No. 182

#### HOUSE BILL NO. 190

BY REPRESENTATIVES WILLARD, GARY CARTER, COX, DUBUISSON, DUPLESSIS, EDMONSTON, EMERSON, GAINES, GREEN, HILFERTY, HUGHES, JAMES, JONES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, NEWELL, PIERRE, AND SELDERS  
AN ACT

To enact R.S. 22:1059 and 1059.1, relative to health insurance coverage for midwifery and doula services; to provide relative to health insurance coverage for maternity services provided by midwives and doulas; to provide for legislative findings; to create the Louisiana Doula Registry Board and provide for its purpose, composition, and duties; to authorize rulemaking; to provide for definitions; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1059 and 1059.1 are hereby enacted to read as follows:  
§1059. Required coverage for services provided by midwives; reimbursement discrimination prohibited; definitions

A. The legislature hereby finds and affirms all of the following:

(1) Midwives are community-based practitioners who provide comprehensive, holistic, individualized maternity care and alternative birthing services to low-risk clients.

(2) Midwifery care is family-centered and individualized to consider the unique cultural, ethnic, psychosocial, nutritional, and educational needs of the client and supports healthy lifestyle habits that benefit the whole family.

(3) Midwives have made a tremendous contribution to the health and welfare of mothers and the practice of midwifery continues to advance as a profession as these providers comprise an increasing part of mainstream health care.

B.(1) Any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services shall include coverage for healthcare services provided by a midwife.(2) The coverage provided for in this Section may be subject to annual deductibles, coinsurance, and copayments. A health coverage plan shall not differentiate between services performed by a midwife within his lawful scope of practice and services by a physician with respect to copayment or annual deductible amounts or coinsurance percentages.

C.(1) Whenever any health coverage plan delivered or issued for delivery in this state provides for reimbursement of any services which are within the lawful scope of practice of certified nurse midwives and certified professional midwives as defined in R.S. 37:3241, the insured or other person entitled to benefits under the health coverage plan shall be entitled to reimbursement for the services, whether the services are performed by a physician or a midwife.

(2) Terminology in any health coverage plan policy or contract deemed discriminatory against certified nurse midwives, certified professional midwives, or midwifery or that inhibits reimbursement for services at the in-network rate is void and unenforceable.

D. For purposes of this Section, the following definitions apply:

(1) “Health coverage plan” means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs. “Health coverage plan” does not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

(2) “Midwife” means a certified nurse midwife licensed by the Louisiana State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or a certified professional midwife licensed pursuant to the Midwife Practitioners Act, R.S. 37:3240 et seq.

§1059.1. Legislative findings; Louisiana Doula Registry Board; purpose; composition; duties of the board; rulemaking authority

A.(1) The legislature hereby finds and declares that research indicates maternal mortality, severe maternal morbidity, infant mortality, preterm birth, and unexpected outcomes of pregnancy and birth resulting in significant health consequences are rising in the United States, and that these outcomes occur more frequently in Louisiana than in other states. Louisiana has the highest maternal death rate in the nation and the second highest infant death

rate in the nation.

(2) The benefits of doula care have been documented in numerous studies including the 2017 Cochrane Review of twenty-six trials of continuous labor support and doula care involving over fifteen thousand women in seventeen different countries. The numerous benefits of doula care include decreased cesarean sections, increased spontaneous vaginal births, shortened duration of birth, increased maternal satisfaction postpartum, improved breastfeeding rates, and lower rates of preterm labor and low birth weight.

B.(1)(a) The legislature hereby creates within the Louisiana Department of Health the Louisiana Doula Registry Board, hereafter referred to in this Section as the “doula registry board”, for the purpose of reviewing and approving doula registration to allow for health insurance reimbursement of doula services.

(b) The doula registry board shall create the criteria for the registration application, review submitted doula registration applications, and grant registration status to doulas seeking health insurance reimbursement to promote safe and equitable care for every mother and every birth in this state.

(2) For purposes of this Section, “doula” means an individual who has been trained to provide physical, emotional, and educational support, but not medical or midwifery care, to pregnant and birthing women and their families before, during, and after childbirth.

C. The doula registry board shall perform all of the following tasks:

(1) Review applications for doulas to register to receive health insurance reimbursement in Louisiana.

(2) Approve applications to designate registered doula status.

(3) Notify applicants of approval or denial of doula registration status.

(4) Maintain a statewide registry of doulas approved for health insurance reimbursement in Louisiana.

D.(1) The doula registry board shall be composed of the following members:

(a) One representative of an organization providing doula services for people giving birth in Louisiana in Region 1 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(b) One representative of an organization providing doula services for people giving birth in Louisiana in Region 2 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(c) One representative of an organization providing doula services for people giving birth in Region 3 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(d) One representative of an organization providing doula services for people giving birth in Louisiana in Region 4 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(e) One representative of an organization providing doula services for people giving birth in Louisiana in Region 5 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(f) One representative of an organization providing doula services for people giving birth in Louisiana in Region 6 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(g) One representative of an organization providing doula services for people giving birth in Louisiana in Region 7 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(h) One representative of an organization providing doula services for people giving birth in Louisiana in Region 8 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(i) One representative of an organization providing doula services for people giving birth in Louisiana in Region 9 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(j) One person with lived experience having used doula services for at least two births.

(k) One doula with lactation training.

(l) One representative from Sista Midwife Productions.

(m) One representative from Community Birth Companion.

(n) One representative from Birthmark Doula Collective.

(o) One representative from H.E.R. Institute.

(2) The doula registry board shall elect from among its members a practicing doula as chairperson.

(3) Members of the doula registry board shall serve without compensation for up to two years with the option for reappointment.

(4) The doula registry board shall hold quarterly public meetings unless otherwise provided by vote of the doula registry board or by order of the chairperson.

(5) The doula registry board may establish subcommittees and appoint persons to those subcommittees, including persons who are not board members, nor voting members, as it deems necessary and appropriate to accomplish its goals.

E. Members of the nonvoting subcommittee shall include and are not limited to all of the following:

(1) One representative of New Orleans Breastfeeding Center.

(2) One representative of March of Dimes.

(3) One representative of National Birth Equity Collaborative.

(4) One representative of Institute of Women & Ethnic Studies.

(5) One obstetrician with demonstrated work rooted in community, health equity, and training in equitable practices.

(6) One certified professional midwife.

(7) One certified nurse midwife.

(8) One community nurse practitioner.

(9) One representative from Louisiana Medicaid.  
(10) One representative from Louisiana Hospital Association.

(11) One representative from each private health insurer in Louisiana as determined by the doula registry board.

F. The regional representatives described in Paragraph (D)(1) of this Section shall be appointed from the regions specified on the Administrative Regions and Districts map of the Louisiana Department of Health, hereinafter referred to as the "department".

G. The department shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section.

H. The department shall provide staff support to the doula registry board.

I. Nothing in this Section prohibits any person from practicing as a doula in this state, regardless of whether such person is registered in accordance with the provisions of this Section.

Section 2.(A) This Act shall become effective on January 1, 2022.

(B) The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2022. Any policy, contract, or health coverage plan in effect prior to January 1, 2022, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2023.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 183**

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HOUSE BILL NO. 194

BY REPRESENTATIVE MCKNIGHT

AN ACT

To amend and reenact R.S. 11:2185(A), relative to sheriffs and deputy sheriffs; to provide relative to the criteria for a sheriff or a deputy sheriff to purchase his firearm upon retirement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2185(A) is hereby amended and reenacted to read as follows:

§2185. Retirement; purchase of firearm

A. Any sheriff or deputy sheriff who retires ~~with at least sixteen years of active service~~ and who is in good standing with the Louisiana Sheriffs' Pension and Relief Fund shall be entitled to purchase his firearm at fair market value upon retirement, subject to approval by the sheriff. If the qualifying sheriff or deputy sheriff was unable to purchase his firearm prior to his death, an immediate family member listed in Subsection B of this Section has the right of first refusal to purchase the firearm unless the immediate family member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 184**

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HOUSE BILL NO. 195

BY REPRESENTATIVE SELDERS

AN ACT

To amend and reenact R.S. 23:1017.1(6), R.S. 29:723(9), and R.S. 40:1372, relative to first responders; to provide for emergency assistance and preparedness; to expand the definition of first responders to include civilian emergency dispatchers; to provide for a definition of civilian emergency dispatchers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1017.1(6) is hereby amended and reenacted to read as follows:

§1017.1. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Part, shall have the following meanings:

\* \* \*

(6) "First responder" means a volunteer engaged in activities involving the Governor's Office of Homeland Security and Emergency Preparedness pursuant to R.S. 29:721 et seq., and first responders as defined in ~~R.S. 40:1231~~ R.S. 29:723(9) including but not limited to medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers, state agency essential workers, emergency service dispatchers, and emergency response operators, and members of the Civil Air Patrol.

\* \* \*

Section 2. R.S. 29:723(9) is hereby amended and reenacted to read as follows:

§723. Definitions

As used in this Chapter:

\* \* \*

(9) "First responders" means the first arriving organized responders with the capability and mission to contain, mitigate, and resolve the emergency at

**THE ADVOCATE**

**PAGE 2**

\* As it appears in the enrolled bill

hand, including but not limited to state agency essential workers.

\* \* \*

Section 3. R.S. 40:1372 is hereby amended and reenacted to read as follows:

§1372. Definitions

As used in this Sub-part:

(1) "Civilian employee" means any employee assigned to a position other than that of police employee.

(2) "Department" means the Department of Public Safety.

(3) "Division" means the Division of State Police in the Department of Public Safety.

(4) "Emergency response operator" and "emergency services dispatcher" shall include individuals with and without the ability to provide medical advice as provided by R.S. 40:1131(22).

(4)(5) "Employee" means any employee of the Division of State Police in the Department of Public Safety.

(6) "First responder" means a public employee or volunteer whose duties include responding rapidly to an emergency. The term includes any of the following:

(a) A peace officer whose duties include responding rapidly to an emergency.

(b) Fire protection personnel.

(c) A volunteer firefighter.

(d) An individual certified as emergency medical services personnel.

(e) An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies.

(f) Other emergency response personnel employed by a state agency.

(7) "Police employee" means any employee who is assigned to police work as a peace officer pursuant to R.S. 40:1379.

Section 4. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in R.S. 29:723.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 185**

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HOUSE BILL NO. 200

BY REPRESENTATIVES BACALA, AMEDEE, BISHOP, ROBBY CARTER, WILFORD CARTER, COUSSAN, COX, CREWS, DEVILLIER, EDMONDS, EMERSON, FARNUM, GAROFALO, HARRIS, HORTON, MCFARLAND, MOORE, CHARLES OWEN, PIERRE, THOMPSON, AND WHITE AND SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 47:293(10) and to enact R.S. 47:293(9)(a)(xx) and 297.16, relative to individual income tax; to exempt certain survivor benefit plan payments from state income 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. 47:293(10) is hereby amended and reenacted and R.S. 47:293(9)(a)(xx) and 297.16 are hereby enacted to read as follows:

§293. Definitions

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

\* \* \*

(9)(a) "Tax table income", for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

\* \* \*

(xx) The exemption for military survivor benefit plan payments pursuant to R.S. 47:297.16.

\* \* \*

(10) "Tax table income", for nonresident individuals, means the amount of Louisiana income, as provided in this Part, allocated and apportioned under the provisions of R.S. 47:241 through 247, plus the total amount of the personal exemptions and deductions already included in the tax tables promulgated by the secretary under authority of R.S. 47:295, less the proportionate amount of the federal income tax liability, excess federal itemized personal deductions, the temporary teacher deduction, the recreation volunteer and volunteer firefighter deduction, the construction code retrofitting deduction, any gratuitous grant, loan, or other benefit directly or indirectly provided to a taxpayer by a hurricane recovery entity if such benefit was included in federal adjusted gross income, the exclusion provided for in R.S. 47:297.3 for S Bank shareholders, the deduction for expenses disallowed by 26 U.S.C. 280C, salaries, wages or other compensation received for disaster or emergency-related work rendered during a declared state disaster or emergency, the deduction for net capital gains, the pass-through entity exclusion provided in R.S. 47:297.14, the exemption for military survivor benefit plan payments pursuant to R.S. 47:297.16, and personal exemptions and deductions provided for in R.S. 47:294. The proportionate amount is to be determined by the ratio of Louisiana income to federal adjusted gross income. When federal adjusted gross income is less than Louisiana income, the ratio shall be one hundred

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

percent.

\* \* \*

§297.16. Exemption for military survivor benefit plan payments  
Any payments made pursuant to a military survivor benefit plan authorized pursuant to the provisions of 10 U.S.C. 1447 through 1455 to the surviving spouse or other named beneficiary of the plan shall be exempt from state income tax.

Section 2. The provisions of this Act shall be applicable to tax periods beginning on or after January 1, 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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 186**

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HOUSE BILL NO. 222  
BY REPRESENTATIVE STEFANSKI  
AN ACT

To amend and reenact R.S. 14:81.4(A)(2) and to enact R.S. 14:81.3(A)(5), 81.4(B)(5), and 283(A)(3), relative to certain sex offenses against minors; to provide relative to the use of technology in the commission of the offense; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81.4(A)(2) is hereby amended and reenacted and R.S. 14:81.3(A)(5), 81.4(B)(5), and 283(A)(3) are hereby enacted to read as follows:

§81.3. Computer-aided solicitation of a minor

A.

\* \* \*

(5) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly uses another individual who is seventeen years of age or older to contact or communicate with a person who has not yet attained the age of seventeen and there is an age difference of greater than two years between the person contacted and the offender or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger than the offender, for the purpose of or with the intent to engage in any of the conduct proscribed by Paragraph (1) of this Subsection.

\* \* \*

§81.4. Prohibited sexual conduct between educator and student

A. Prohibited sexual conduct between an educator and a student is committed when any of the following occur:

\* \* \*

(2) An educator commits any lewd or lascivious act upon a student or in the virtual or physical presence of a student who is seventeen years of age or older, but less than twenty-one years of age, where there is an age difference of greater than four years between the two persons, with the intention of gratifying the sexual desires of either person, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense.

\* \* \*

B. As used in this Section:

\* \* \*

(5) "Virtual" means carried out, accessed, or stored by means of a computer or the exchange of digital media over any network.

\* \* \*

§283. Video voyeurism; penalties

A. Video voyeurism is any of the following:

\* \* \*

(3) The manipulation of a victim who has not yet attained the age of seventeen or who is reasonably believed to have not yet attained the age of seventeen to use any camera, videotape, photo-optical, photo-electric, or any other image recording device or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device to photograph, film, or videotape oneself to send to the person manipulating the victim for a lewd or lascivious purpose.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 187**

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HOUSE BILL NO. 226  
BY REPRESENTATIVE TURNER AND SENATORS CATHEY, MCMATH,  
MILLIGAN, ROBERT MILLS, AND WOMACK  
AN ACT

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

To amend and reenact R.S. 56:325(C), relative to the daily take, possession, and size limits applicable to freshwater recreational fish; to provide relative to the process by which the Louisiana Wildlife and Fisheries Commission can amend rules pertaining to crappie in Lake D'Arbonne in Union Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:325(C) is hereby amended and reenacted to read as follows:  
§325. Daily take, possession, and size limits; freshwater recreational fish; possession of finfish filets prohibited

\* \* \*

C. Notwithstanding any other provision of law to the contrary, the commission may amend by rule, in accordance with the Administrative Procedure Act, size limits, daily take limits, possession limits, seasons, and times set by law for freshwater recreational fish. Such limits, seasons, and times may vary between and among waterbodies based on biological data or for purposes of research or experimentation. ~~However, the commission shall not amend by rule the provisions of Paragraph (A)(5) of this Section as it applies to Lake D'Arbonne, unless the department first conducts sampling, and collects and analyzes the data on the fisheries resource in Lake D'Arbonne and the sampling, data, and analysis demonstrate that the fisheries resource is being negatively impacted, and the department recommends that the provisions of Paragraph (A)(5) of this Section be amended by rule.~~

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Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 188**

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HOUSE BILL NO. 234  
BY REPRESENTATIVES CARPENTER, MOORE, AND WHITE AND  
SENATORS BARROW, JACKSON, MIZELL, AND PETERSON  
AN ACT

To amend and reenact R.S. 15:555(D), to enact R.S. 15:555(A)(17) and 556(A)(3), and to repeal R.S. 15:556(B), relative to the Louisiana Sexual Assault Oversight Commission; to provide relative to the membership of the commission; to provide relative to the duties of the commission; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:555(D) is hereby amended and reenacted and R.S. 15:555(A)(17) and 556(A)(3) are hereby enacted to read as follows:

§555. Louisiana Sexual Assault Oversight Commission; creation; membership; meetings

A. The Louisiana Sexual Assault Oversight Commission is hereby created within the Department of Justice, office of the attorney general. The commission shall consist of the following members:

\* \* \*

(17) The president of Sexual Trauma Awareness and Response or her designee.

\* \* \*

D. The commission shall fix a time and place for its meetings and shall meet at least once every ~~three~~ four months. Additional meetings may be held upon the call of the chairman.

\* \* \*

§556. Duties of the commission

A.

\* \* \*

(3) Upon approval of the members, the commission may adopt additional projects, duties, or both as necessary to further the goal of the commission.

Section 2. R.S. 15:556(B) 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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 189**

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HOUSE BILL NO. 235  
BY REPRESENTATIVE ROBBY CARTER  
AN ACT

To enact R.S. 13:621.21(C)(3), relative to judgeships in the Twenty-First Judicial District; to provide for subject matter jurisdiction; to provide for compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:621.21(C)(3) is hereby enacted to read as follows:

§621.21. Twenty-First Judicial District

\* \* \*

\* As it appears in the enrolled bill

C.(1)

\* \* \*

(3)(a) There is hereby recognized an additional district judgeship for the Twenty-First Judicial District for the parishes of Livingston, St. Helena, and Tangipahoa. The additional judge herein provided for and his successors shall preside over Division I, which is hereby recognized for purposes of nomination and election only. The additional judge and his successors shall be elected at large and shall have jurisdiction throughout the district. The subject matter jurisdiction of Division I is limited, under the provisions of Article V, Section 15(A) of the Constitution of Louisiana, to juvenile matters, as provided by law, including cases arising under the Children's Code of Louisiana, and under R.S. 46:236.1.1 et seq. The additional judge and his successors shall receive the same compensation and expense allowances, payable from the same sources and in the same manner, as are now or may hereafter be provided for other judges of the district.

(b) The individual to be elected to the additional judgeship created by this Act for the Twenty-First Judicial District shall be elected as provided by Article V, Section 22 of the Constitution of Louisiana, and shall serve a term which shall begin on January 1, 2009, and which shall expire at the same time as is provided by law for the other judges of the court. Thereafter, the successors to the judge provided for in this Act for the Twenty-First Judicial District shall be elected at the same time and in the same manner and shall serve the same term as is now or may be provided hereafter for other judges of the court.

(c) The provisions of this Act shall not reduce the term of office of any judge of the Twenty-First Judicial District Court.

\* \* \*

Section 2. This Act is intended only to codify Section 2 of Act 3 of the 2007 Regular Session and to retain all of the provisions of Section 1 of Act 3 of the 2007 Regular Session as enacted by the legislature during the 2007 Regular Session.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 190**

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**HOUSE BILL NO. 239**

BY REPRESENTATIVES RISER, ADAMS, BUTLER, ROBBY CARTER, WILFORD CARTER, CORMIER, DESHOTEL, EDMONDS, FREEMAN, FREIBERG, GAROFALO, TRAVIS JOHNSON, LARVADAIN, MCMAHEN, MIGUEZ, MINCEY, ROMERO, ST. BLANC, THOMPSON, WHEAT, AND WHITE  
AN ACT

To amend and reenact R.S. 3:4278.2(B) and R.S. 41:1009, to enact R.S. 3:4278.5, and to repeal R.S. 3:4278.1(F), relative to the sale of undivided timber interest; to provide relative to removal of timber without consent; to provide relative to cutting trees on state-owned property; to prohibit the harvest of cypress trees on state property; to provide for exceptions; to provide for penalties; to provide for a civil prescriptive period; to provide for an effective date; to provide for the designation of an Act of the Legislature by means of short title; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4278.2(B) is hereby amended and reenacted and R.S. 3:4278.5 is hereby enacted to read as follows:

§4278.2. Sale of undivided timber interest; consent of co-owners; theft

\* \* \*

B. A buyer who purchases the timber from a co-owner or co-heir of land may not remove the timber without the consent of the co-owners or co-heirs representing at least ~~eighty~~ seventy-five percent of the ownership interest in the land, provided that he has made reasonable effort to contact the co-owners or co-heirs who have not consented and, if contacted, has offered to contract with them on substantially the same basis that he has contracted with the other co-owners or co-heirs.

\* \* \*

§4278.5. Prohibited cutting of cypress trees; exceptions; penalty

A. It shall be unlawful for any person or government entity, or his agent or employee, to cut, fell, destroy, remove, or to divert for sale or use, any cypress trees growing or lying on public land owned by or under the control of the state of Louisiana or local governing authority with exception to the following:

(1) Removal of a fallen cypress tree or its stump with the consent of, or in accordance with the direction of, the governmental entity that owns the land.

(2) Clearing and maintenance of trails or roads on wildlife management areas, rights-of-way, or to utility service situations where a utility is acting in good faith to minimize the damage or harm occasioned by an act of God.

(3) Cutting or clearing as part of a management plan for managing aquatic vegetation and that plan is developed or approved by the Department of Wildlife and Fisheries.

(4) Cutting or clearing of cypress trees for the purpose of creating a necessary boat lane or navigation corridor and the cutting or clearing of standing cypress trees is unavoidable and approval is received from the Department of Wildlife and Fisheries.

(5) Cutting, clearing, removing, or diverting for sale or use of any cypress

trees for integrated coastal protection as defined in R.S. 49:214.2(11) or a project listed in the comprehensive master coastal protection plan as defined in R.S. 49:214.2(12).

(6) Cutting, clearing, removing, or diverting for sale or use of any cypress trees for any levee or drainage project by the departments, agencies, boards, or commissions of the state of Louisiana and their political subdivisions, including but not limited to a levee district or levee and drainage district as identified in Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, parishes or municipalities, and the United States.

B. Whoever violates the provisions of Subsection A of this Section shall be subject to the same penalties available in R.S. 3:4278.1(B) through (D). Additionally, the violator shall be subject to a fine not to exceed five thousand dollars, imprisonment not to exceed six months, or both.

C. Notwithstanding any other provision of law to the contrary, a civil action instituted pursuant to the provisions of this Section shall be subject to a liberative prescriptive period of five years.

Section 2. R.S. 41:1009 is hereby amended and reenacted to read as follows: §1009. Cutting or sale, or both, of cypress timber on state-owned water bottoms state property; prohibition

~~Notwithstanding any other provision of law, particularly R.S. 41:1001 through 1008, the~~ The cutting or sale, or both, of standing cypress timber located on any water bottom property owned by the state of Louisiana is hereby prohibited pursuant to R.S. 3:4278.5, except in the exercise of rights under a state lease, right-of-way, or permit. However, the register of the state land office may, at his discretion, permit the selective cutting of such timber.

Section 3. R.S. 3:4278.1(F) is hereby repealed in its 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.

Section 5. This Act shall be known and may be cited as the "Hartwell Old Growth Act".

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 191**

---  
**HOUSE BILL NO. 240**  
**BY REPRESENTATIVE JENKINS**  
**AN ACT**

To amend and reenact R.S. 40:1379.1.4(D), relative to the carrying of concealed weapons by qualified retired law enforcement officers; to require the issuance of the required identification to qualified individuals by certain persons; to provide for prospective and retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.1.4(D) is hereby amended and reenacted to read as follows:

§1379.1.4. Carrying of concealed firearms by qualified retired law enforcement officers

\* \* \*

D. The sheriff, ~~or~~ chief law enforcement officer, or head of the office or agency from which the individual has retired shall issue identification required by the provisions of this Section to each individual who meets the qualifications set forth in Subsection B of this Section.

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

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 192**

---  
**HOUSE BILL NO. 244**  
**BY REPRESENTATIVES TURNER AND JORDAN**  
**AN ACT**

To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:821(B)(39) and Part III-A of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1660.1 through 1660.9, relative to pharmacy services administrative organizations; to provide for definitions; to require licensing and a related fee; to provide grounds for denial, suspension, and revocation of a license; to require submission of an annual report and filing fee; to authorize the commissioner of insurance to examine certain documents; to require maintenance and confidentiality of such documents; to provide for exceptions; to provide for duties and responsibilities; to provide fines for violations; to authorize rulemaking; to modify relative to exceptions to public records requests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:821(B)(39) and Part III-A of Chapter 5 of Title 22 of the

Louisiana Revised Statutes of 1950, comprised of R.S. 22:1660.1 through 1660.9, are hereby enacted to read as follows:

§821. Fees

\* \* \*

B. The commissioner shall collect the following fees in advance:

\* \* \*

(39) For pharmacy services administrative organizations:

(a) Licensing fee.....\$300.00

(b) Annual report filing fee.....\$150.00

\* \* \*

PART III-A. PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS

§1660.1. Short title; definitions

A. This Part may be cited as the “Louisiana Pharmacy Services Administrative Organization Licensing Act”.

B. As used in this Part, the following definitions apply:

(1) “Pharmacy services administrative organization” means an entity that provides a contracted pharmacy with administrative, contracting, or payment services relating to prescription drug benefits.

(2) “Pharmacy services administrative organization contract” means a contractual agreement between a pharmacy services administrative organization and a pharmacy under which a pharmacy services administrative organization agrees to negotiate with pharmacy benefit managers or third-party payers on behalf of one or more pharmacies.

§1660.2. Licensing requirements

A. No person shall act as, or offer to act as, or hold himself out to be a pharmacy services administrative organization in this state without a valid license as a pharmacy services administrative organization issued by the commissioner of insurance. The commissioner may impose a fine of five hundred dollars per violation against any person who acts as a pharmacy services administrative organization without a valid license, and each day shall be considered a separate violation.

B. Applicants subject to this Section shall pay a licensing fee in an amount set forth in R.S. 22:821 and shall make an application to the commissioner upon a form to be furnished by the commissioner. The application shall include or be accompanied by the following information and documents:

(1) All basic organizational documents of the pharmacy services administrative organization, including any articles of incorporation, articles of association, partnership agreements, trade name certificates, trust agreements, shareholders’ agreements, and other applicable documents and all amendments to such documents.

(2) The bylaws, rules, regulations, or similar documents regulating the internal affairs of the pharmacy services administrative organization.

(3) The names, addresses, official positions, and professional qualifications of the individuals who are responsible for the conduct of affairs of the pharmacy services administrative organization, including all members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership or association, shareholders holding directly or indirectly ten percent or more of the voting securities of the pharmacy services administrative organization, and any other person who exercises control or influence over the affairs of the pharmacy services administrative organization.

(4) An affidavit signed by the president or other authorized officer stating that the pharmacy services administrative organization has its latest financial statement available for inspection by the commissioner.

(5) Summary information concerning its business organization and employees sufficient to fulfill the requirements of this Part.

(6) Such other pertinent information as may be required by the commissioner.

C. Upon request by the commissioner, the applicant shall make available for inspection by the commissioner copies of contracts with pharmacists, pharmacies, pharmacy benefit managers, or other persons utilizing the services of the pharmacy services administrative organization in order to determine qualification for licensure.

D. The commissioner may refuse to issue a license if the commissioner determines that the pharmacy services administrative organization, or any individual responsible for the conduct of affairs of the pharmacy services administrative organization as defined in this Part, is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had an insurance or a pharmacy services administrative organization license denied or revoked for cause by any state.

E. A license issued pursuant to this Section shall remain valid, unless surrendered, suspended, or revoked by the commissioner, as long as the pharmacy services administrative organization continues in business in this state and remains in compliance with this Part.

F. A pharmacy services administrative organization is not required to hold a license as a pharmacy services administrative organization in this state if the pharmacy services administrative organization meets both of the following conditions:

(1) The pharmacy services administrative organization has its principal place of business in another state.

(2) The pharmacy services administrative organization is not soliciting business as a pharmacy services administrative organization in this state.

G. On an annual basis, a licensed pharmacy services administrative organization shall notify the commissioner if there is any material change in fact or circumstance affecting its qualification for a license in this state. The notice shall include any documentation as the commissioner may require

upon a form to be furnished by the commissioner.

§1660.3. Annual report; filing fee

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

B. The annual report shall include the number of pharmacists or pharmacies with which the pharmacy services administrative organization has an agreement with in the state.

C. At the time of filing its annual report, the pharmacy services administrative organization shall pay a filing fee in the amount set forth in R.S. 22:821.

§1660.4. Grounds for denial, suspension, or revocation of license

A. The commissioner shall suspend or revoke the license of a pharmacy services administrative organization, deny the application for a license, or, in lieu thereof, impose a fine for each separate violation not to exceed five hundred dollars per violation if the pharmacy services administrative organization has failed to pay any judgment rendered against it in this state within sixty days after the judgment has become final.

B. The commissioner may suspend or revoke the license of a pharmacy services administrative organization, deny the application for a license, or, in lieu thereof, impose a fine not to exceed five hundred dollars per violation if the commissioner finds that any of the following apply to a pharmacy services administrative organization:

(1) Has violated any lawful rule or order of the commissioner or any provision of the insurance laws of this state that is within the sole authority of the pharmacy services administrative organization.

(2) Has refused to be examined or to produce its accounts, records, and files for examination or if any of its officers have refused to give information with respect to its affairs or has refused to perform any other legal obligations as to such examination, when required by the commissioner.

(3) Is affiliated with or under the same general management or interlocking directorate or ownership as another pharmacy services administrative organization which unlawfully transacts business in this state without having a license.

(4) At any time fails to meet any qualification for which issuance of the license could have been refused had such failure then existed and been known to the commissioner.

(5) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony without regard to whether adjudication was withheld.

(6) Is under suspension or revocation in another state.

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

C. The commissioner may, in his discretion and without advance notice or hearing, immediately suspend the license of any pharmacy services administrative organization if the commissioner finds that either of the following circumstances exists:

(1) A proceeding for receivership, conservatorship, rehabilitation, or other delinquency proceeding regarding the pharmacy services administrative organization has been commenced in any state.

(2) The financial condition or business practices of the pharmacy services administrative organization otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

§1660.5. Maintenance of information; exceptions

The commissioner may access the books and records maintained by a pharmacy services administrative organization for the purposes of examination, audit, and inspection. The commissioner shall keep any trade secrets contained in such books and records confidential; however, the commissioner may use such information in any proceeding instituted against the pharmacy services administrative organization.

§1660.6. Examination authority

The commissioner may cause an examination, as prescribed by the provisions of Chapter 8 of this Title, of any pharmacy services administrative organization when in the opinion of the commissioner it is necessary for such an examination to be made.

§1660.7. Confidentiality; documents and information; exceptions

Information provided to the commissioner by a pharmacy services administrative organization pursuant to R.S. 22:1660.2(B) and 1660.3, as well as the terms and conditions of any contract between a pharmacy services administrative organization and a pharmacy benefit manager, a pharmacist, or a pharmacy except for the identity of the contracting parties, and such other proprietary information as specifically identified by the pharmacy services administrative organization shall be given confidential treatment, shall not be subject to subpoena, and shall not be made public by the commissioner, the National Association of Insurance Commissioners, or any other person, except to the insurance departments of other states or in any adjudicatory hearing or court proceeding invoked by the commissioner in accordance with the provisions of this Part.

§1660.8. Rules and regulations

The commissioner may adopt rules and regulations in accordance with the Administrative Procedure Act as are necessary to implement this Part.

§1660.9. Duties and responsibilities; nonimposition of liability; rulemaking authority

A. A pharmacy services administrative organization that contracts with a pharmacy to perform any activity related to prescription drug benefits or to

act as the pharmacy's agent is obligated to that pharmacy for the duties of care, competence, good faith and fair dealing, and loyalty.

B. A pharmacy services administrative organization is not responsible for any of the activities that are solely within the purview of a pharmacy benefits manager.

C. The commissioner of insurance shall promulgate rules that define the roles and responsibilities solely within the purview of both of the following:

(1) Pharmacy benefits managers.

(2) Pharmacy services administrative organizations.

D. A pharmacy services administrative organization shall notify the contracted pharmacy in writing of any activity, policy, or practice that presents a conflict of interest that interferes with the duties imposed by this Section.

E. A pharmacy services administrative organization shall not engage in any acts, methods, or practices prohibited by Part IV of Chapter 7 of Title 22 of the Louisiana Revised Statutes of 1950.

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

\* \* \*

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

\* \* \*

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303, 2508.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 193**

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HOUSE BILL NO. 258

BY REPRESENTATIVE EDMONSTON AND SENATORS LAMBERT AND PRICE  
AN ACT

To amend and reenact R.S. 37:1437(C)(5)(a), 1437.3(B), 1442, and 1443(4), relative to real estate license and registration renewal; to provide for continuing education requirements; to provide for the procedure for inactive license status; to provide for renewal procedure; to provide for renewal deadlines; to provide for effectiveness; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1437(C)(5)(a), 1437.3(B), 1442, and 1443(4) are hereby amended and reenacted to read as follows:

§1437. Application for license

\* \* \*

C.

\* \* \*

(5)(a) In addition to all other education requirements set forth in this Chapter, regardless of initial license date, ~~the license of an individual real estate broker or salesperson shall not be renewed unless the broker or salesperson shall furnish proof of completion of twelve hours per year of continuing education pertaining to matters, including but not limited to laws, rules, and regulations relative to licensing, appraisal, finance, taxes, zoning, environmental quality, and the rules and programs promulgated or administered by the United States Department of Housing and Urban Development. A minimum of four of the required annual continuing education hours shall be in subjects specified by the commission. Post-license education hours may be used to satisfy eight hours of the twelve-hour annual continuing education requirement; however, post-license education hours shall not satisfy the mandatory continuing education topics specified by the commission. The commission shall not allow a licensee to complete fewer than twelve hours of continuing education to satisfy the requirements of this Section. Failure to timely complete continuing education in accordance with this Subsection constitutes a violation of this Chapter.~~

\* \* \*

§1437.3. Inactive license

\* \* \*

B. Any licensee in good standing with the commission may elect to place his license in an inactive license status at any time prior to expiration of the license by submitting the appropriate transfer application and remitting the applicable fees as set forth in this Chapter. ~~Within the three-month delinquency period immediately following the expiration of the last active license and upon payment of appropriate renewal and inactive license transfer fees, former licensees may transfer their license to the inactive status.~~

\* \* \*

§1442. License, certificate, and registration issuance and renewal

A.(1) Each license, certificate, or registration issued under pursuant to this Chapter shall be:

(a) Effective issued for a period of one year.

(b) Renewed timely on or before September thirtieth annually.

(c) Expired and shall expire on December thirty-first following the date upon which it is issued. Each license, certificate, or registration shall be renewed annually.

(2) Conducting A licensee or registrant who conducts any activity authorized by the license, certificate, or registration after the expiration of the license, certificate, or registration shall be deemed a in violation of this Chapter. Licenses, certificates, or registrations not renewed by January first shall be considered expired.

B.(1) Any licensee or registrant who fails to renew timely may thereafter renew upon payment of the license or registration delinquently by submitting all of the following no later than December thirty-first annually:

(a) Payment of the appropriate renewal and delinquent fees prescribed by this Chapter.

(b) A and upon filing of a complete renewal application.

(2) The period for delinquent renewal of an expired license or registration shall be limited to the three-month period immediately following the expiration date of the active license or registration. Failure A licensee or registrant who fails to delinquently renew an expired a license or registration during this three-month period shall result in a forfeiture of by December thirty-first forfeits his renewal rights, and shall require the former licensee or registrant shall be required to apply as an initial applicant and meet all requirements of an initial applicant. However, notwithstanding any other provision of this Chapter, nothing herein requires the former licensee or registrant to complete the ninety hours of real estate coursework, which is required prior to initial licensure pursuant to R.S. 37:1437.

C. Any inactive licensee who fails to renew timely may thereafter renew upon payment of the appropriate renewal fees and filing of a complete renewal application. The period for delinquent renewal of an expired delinquent inactive license will be limited to the three-month period immediately following the expiration date of the inactive license. Failure to renew delinquently an expired inactive license during the three-month period will result in the forfeiture of renewal rights and will require the former licensee to apply as an initial applicant and meet all requirements of an initial applicant.

D. Timeshare registrants who fail to renew timely may thereafter renew within three months of the expiration of their registration upon payment of a delinquency renewal fee; however, Notwithstanding any provision of law to the contrary, registered timeshare developers of timeshare projects who qualify under pursuant to Section 5 of Act No. 999 of the 1985 Regular Session of the Legislature but and who fail to renew timely shall no longer qualify under pursuant to that Section Act.

§1443. Fees

The commission may charge:

\* \* \*

(4) Delinquent fees, in addition to the renewal fee, if not renewed by ~~December thirty-first~~ September thirtieth of the applicable license; or registration, or certification period:

(a) ~~January October 1 - February November 15~~ Active and inactive Inactive Licensees \$50.00

(b) ~~February November 16 - March December 31~~ Active Licensees \$200.00

(c) ~~February November 16 - March December 31~~ Inactive Licensees \$50.00

(d) ~~January October 1 - January December 31~~ Real estate schools, vendors, and pre-license instructors \$ 50.00

\* \* \*

Section 2. Notwithstanding Section 1 and Section 4 of this Act, a licensee or registrant may delinquently renew his license or registration without reapplying as an initial applicant from January 1, 2023 through January 31, 2023. However, the Louisiana Real Estate Commission shall permit a renewal in accordance with this Section only after the licensee or registrant submits satisfactory proof that he has obtained the appropriate insurance policy required by R.S. 37:1430 et seq. and pays the applicable renewal fee required by Section 1 of this Act. Section 3. This Section and Section 2 of this Act shall be effective only from April 1, 2022 through February 1, 2023.

Section 4. Sections 1, 2, 3, and this Section shall become effective on April 1, 2022.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 194**

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HOUSE BILL NO. 259

BY REPRESENTATIVES HORTON, COX, HUGHES, AND JENKINS AND SENATORS BARROW, BERNARD, CATHEY, FESI, FIELDS, JACKSON, LUNEAU, ROBERT MILLS, MORRIS, PEACOCK, TARVER, AND WOMACK  
AN ACT

To amend and reenact R.S. 23:1472(12)(F)(III)(d), relative to employment; to provide for employment of persons with disabilities; to provide for

definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S.23:1472(12)(F)(III)(d) is hereby amended and reenacted to read as follows:

§1472. Definitions

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

\* \* \*

(12)

\* \* \*

F. The term "employment" shall include:

\* \* \*

III. For the purposes of Subparagraphs (I) and (II) of this Paragraph the term "employment" does not apply to service performed:

\* \* \*

(d) In a facility conducted for the purpose of carrying out a program of rehabilitation for ~~an individuals individual~~ whose earning capacity is ~~impaired by age or physical or mental deficiency or injury affected by an injury or a developmental, intellectual, physical, or age-related disability~~ or providing remunerative work for ~~an individuals individual~~ who because of ~~their his~~ impaired physical or mental intellectual capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; ~~however, if an individual's employment is otherwise defined as employment under this Paragraph and the individual is performing work under the AbilityOne Program or a successor program under the laws of the United States, the individual's employment shall be considered employment under this Paragraph.~~

\* \* \*

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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 195**

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HOUSE BILL NO. 269

BY REPRESENTATIVE KERNER AND SENATORS BARROW, BOUIE,  
CONNICK, MCMATH, FRED MILLS, MIZELL, AND POPE

AN ACT

To amend and reenact R.S. 40:635, relative to functions of the Louisiana Department of Health pertaining to food safety; to amend provisions of the State Food, Drug, and Cosmetic Law; to provide relative to imported food products; to provide for the destruction of certain food products that are subject to import bans; to provide for construction of certain laws relating to public health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:635 is hereby amended and reenacted to read as follows:

§635. Condemnation or destruction of perishables in certain cases

A. Whenever the department or its duly authorized officer or employee finds in any factory, establishment, structure, or vehicle of transportation any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are unsound or contain any filthy, decomposed, or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe for human consumption, the officer or employee of the department designated by it shall immediately condemn or destroy it or in any other manner render it unconsumable as human food.

B. ~~Nothing in this Title shall be construed to prohibit any duly authorized officer or employee of the department from causing the destruction of any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are of foreign origin and are the subject of a current import ban issued by an agency of the federal government.~~

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 196**

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HOUSE BILL NO. 280

BY REPRESENTATIVE EDMONDS

AN ACT

To amend and reenact R.S. 17:4021(A) and to enact R.S. 17:4015(10), 4021(D), and 4021.1, relative to the Student Scholarships for Educational Excellence Program; to provide for the state Department of Education's responsibilities in administering the program; to revise the eligibility criteria schools must meet in order to participate in the program; to remove the enrollment cap applicable to certain schools; to provide for applicability; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:4021(A) is hereby amended and reenacted and R.S. 17:4015(10), 4021(D), and 4021.1 are hereby enacted to read as follows:

§4015. Program administration

In administering the program pursuant to this Part, the department shall:

\* \* \*

(10) Conduct site visits each school year in order to observe the learning environment at schools that fail to meet minimum standards for academic performance as determined by the accountability system provided for in state board policy or that are otherwise not in good standing with respect to the program.

\* \* \*

§4021. School eligibility

A. To be eligible to participate in the program, a nonpublic school shall meet all of the following criteria:

(1) ~~Be approved, provisionally approved, or probationally approved~~ by the State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

(2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528.

~~(3)(a) Enrollment of scholarship recipients in a participating school that has been approved, provisionally approved, or probationally approved for less than two years shall not exceed twenty percent of such school's total student enrollment. Be accredited or designated as a provisionally accredited approved school. For purposes of this Paragraph:~~

~~(i) "Provisionally accredited approved school" means a school that is working toward meeting accreditation requirements and has met all other criteria for approval by the state board.~~

~~(ii) Accrediting entities shall be the Southern Association of Colleges and Schools accreditation organizations, the Cognia accreditation organizations, the National Association of Independent Schools accreditation organizations, the Louisiana Montessori Association, and the diocese or archdiocese in which the school is located.~~

~~(b) A provisionally accredited approved school shall be removed from the program if it does not receive accreditation within four years.~~

\* \* \*

D. A participating school that fails for three consecutive years to meet minimum standards for academic performance as determined by the accountability system provided for in state board policy shall be ineligible to participate in the program.

§4021.1. School eligibility; exceptions; applicability

A. R.S. 17:4021(A)(3) shall not apply to a nonpublic school initially participating in the program prior to the 2022-2023 school year.

B. The measurement of three consecutive years for purposes of R.S. 17:4021(D) shall commence with the 2021-2022 school year.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 197**

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HOUSE BILL NO. 303

BY REPRESENTATIVE LYONS

AN ACT

To amend and reenact Code of Criminal Procedure Article 311(4) through (7) and to enact Code of Criminal Procedure Article 311(8), relative to bail; to provide relative to the detention of the defendant; to provide relative to constrictive surrender; to provide for surety's motion and affidavit for issuance of warrant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 311(4) through (7) is hereby amended and reenacted and Code of Criminal Procedure Article 311(8) is hereby enacted to read as follows:

Art. 311. Definitions

For the purpose of this Title, the following definitions shall apply:

\* \* \*

(4) A constructive surrender is the detention of the defendant in another parish of the state of Louisiana or a foreign jurisdiction under the following circumstances:

(a) A warrant for arrest has been issued for the defendant in the jurisdiction in which the bail obligation is in place. (b) The surety has provided proof of the defendant's current incarceration to the court in which the bail obligation is in place, to the prosecuting attorney, and to the officer originally charged with the defendant's detention.

(c) The surety has paid ~~to the officer the reasonable costs of returning the defendant to the jurisdiction where the warrant for arrest was issued. Reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued by one of the following methods:~~

(i) Upon presentation of proof of the defendant's current incarceration in a foreign jurisdiction to the officer originally charged with the defendant's detention, the officer shall provide the surety with the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued when the costs are immediately known or can be estimated.

(ii) The surety tenders to the officer originally charged with the defendant's detention the reasonable or actual costs of returning the defendant to the

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 7**

jurisdiction where the warrant for arrest was issued.

(iii) The surety provides proof of payment to the court and to the prosecuting attorney.

(iv)(aa) In cases where the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued are not immediately known, the officer originally charged with the defendant's detention shall accept the surety's tender of reasonable costs as provided in R.S. 13:5535 for in-state transfers or for estimated costs for out-of-state transfers.

(bb) The surety shall provide proof of payment to the court and the prosecuting attorney.

(cc) If the actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued is more than the estimated costs tendered by the surety, the officer originally charged with the defendant's detention may file a rule to show cause with the court to recover the difference.

(5) A surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in a foreign jurisdiction and a warrant has not been issued by the court or in which the bail obligation is in place. In such instances, the surety may file a motion with the court requesting a warrant be issued when the following conditions have been met:

(a) There has been a breach of the bail undertaking.

(b) The surety provides proof of the defendant's current incarceration outside of the state of Louisiana. The defendant's incarceration may be used as evidence of a breach of the bail undertaking.

(c) The defendant did not have written permission from the court to leave the state of Louisiana.

(d) Upon presentation of evidence of the breach of the bail undertaking, the court may issue a warrant for the defendant's violation of the conditions of the bail undertaking.

(e) The surety may then file the constructive surrender in accordance with this Article and Article 331.

(6) A personal surety is a natural person domiciled in the state of Louisiana who owns property in this state that is subject to seizure and is of sufficient value to satisfy, considering all his property, the amount specified in the bail undertaking. The value of the property shall exclude the amount exempt from execution, and shall be over and above all other liabilities including the amount of any other bail undertaking on which he may be principal or surety. If there is more than one personal surety, then the requirements shall apply to the aggregate value of their property. A personal surety shall not charge a fee or receive any compensation for posting a bail undertaking. A bail undertaking of a personal surety may be unsecured or secured.

(7) Bail enforcement is the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

(8) A bail enforcement agent is a licensed bail agent who engages in the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 198**

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HOUSE BILL NO. 304  
BY REPRESENTATIVE LYONS  
AN ACT

To enact R.S. 17:407.23(E) and (F) and 407.30(D)(3), relative to early childhood care and education; to require the State Board of Elementary and Secondary Education to coordinate data relative to the early childhood care and education network and to submit an annual report relative thereto to the legislature; to require the board to consider such data when allocating awards from the Louisiana Early Childhood Education Fund; to require the board to create a program for the purpose of making instructional materials available to children who are not enrolled in the early childhood care and education network; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.23(E) and (F) and 407.30(D)(3) are hereby enacted to read as follows:

§407.23. Early Childhood Care and Education Network; creation; components; duties and responsibilities; pilot programs

\* \* \*

E.(1) The state board shall coordinate and report data relative to the early childhood care and education network in a manner that assists legislators in evaluating the effectiveness of the network and in determining the most efficient and effective allocation of funding and services to maximize opportunities for children aged birth through five to achieve kindergarten readiness.

(2) The state board shall submit to the House Committee on Education, Senate Committee on Education, House Committee on Appropriations, and Senate Committee on Finance a written report not later than sixty days prior to each regular session of the legislature. The report shall include, at minimum, the following information:

(a) The number of children participating in the network and demographic information pertaining to their age, race, and socioeconomic status.

(b) The areas of greatest need according to geographic location and student population for the purpose of prioritizing funding and services.

F. The state board shall create a program to be administered by the state Department of Education through which parents whose children are not enrolled in an early learning center due to the lack of available seats or funding are able to access instructional materials in order to provide instruction to the children at home. The department shall use the data ascertained in accordance with Subsection E of this Section in order to conduct outreach to communities and families in need of such materials and to identify the most effective and efficient means to deliver these materials. These materials shall be aligned to the birth to five early learning and development standards adopted by the state board in order to maximize the children's opportunity to achieve kindergarten readiness.

\* \* \*

§407.30. Louisiana Early Childhood Education Fund

\* \* \*

D.

\* \* \*

(3) In addition to the requirements of Paragraphs (1) and (2) of this Subsection, the board, when determining how to allocate awards pursuant to this Section, shall consider the data it coordinates pursuant to R.S. 17:407.23(E).

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 199**

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HOUSE BILL NO. 306  
BY REPRESENTATIVE MUSCARELLO  
AN ACT

To enact R.S. 42:1119(B)(2)(a)(vi), relative to nepotism; to provide an exception to allow an immediate family member of a school board member or superintendent to be employed as a bus operator; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(a)(vi) is hereby enacted to read as follows:

§1119. Nepotism

\* \* \*

B.

\* \* \*

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

(a)

\* \* \*

(vi) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a school bus operator provided that such family member is certified as a school bus operator. 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 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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 200**

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HOUSE BILL NO. 323  
BY REPRESENTATIVE GADBERRY  
AN ACT

To amend and reenact R.S. 38:2318.1(A) and (C), relative to architectural and engineering professional services; to require the selection of architectural and engineering professional services based on competence and qualifications; to prohibit the selection of architectural and engineering professional services based on price; to provide for public records; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2318.1(A) and (C) are hereby amended and reenacted to read as follows:

PART VII-A. LOUISIANA "NO BIDDING OF DESIGN ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES" POLICY

§2318.1. Louisiana "No Bidding of Design Architectural and Engineering



Professional Services” policy

A. It is the policy of the state of Louisiana, its political subdivisions, and agencies to select ~~providers of design architectural and engineering~~ professional services on the basis of competence and qualifications for a fair and reasonable price. Neither the state nor any of its political subdivisions or agencies may select ~~providers of design services architects, engineers, landscape architects, and land surveyors~~ wherein price or price-related information is a factor in the selection.

\* \* \*

C. It is the policy of the state of Louisiana that all records, as defined in R.S. 44:1(A)(2)(a), involved or dealing with the selection of ~~design architectural and engineering~~ professional services shall be open to the public in accord with the intent of Louisiana Constitution Article XII, Section 3, and R.S. 44:31.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 201**

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**HOUSE BILL NO. 332**  
**BY REPRESENTATIVE WILLARD**  
**AN ACT**

To enact R.S. 33:9091.26, relative to Orleans Parish; to create the Vista Park Crime Prevention District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district; 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. 33:9091.26 is hereby enacted to read as follows:

§9091.26. Vista Park Crime Prevention District

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Vista Park Crime Prevention District, hereinafter referred to in this Section as the “district”. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter: Robert E Lee Boulevard, Fillmore Avenue, London Avenue Canal, and Paris Avenue.

C. Purpose. The district is established for the objects of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.D. Governance. (1) The district shall be governed by a five-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:

(a) The board of directors of the Vista Park Civic and Improvement Association shall appoint three members.

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

(c) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member.

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

(3)(a) Board members shall serve four-year terms after initial terms as provided in this Subparagraph. Two members shall serve initial terms of one year; one shall serve an initial term of two years; one shall serve an initial term of three years; and one shall serve an initial term of four years, as determined by lot at the first meeting of the board.

(b) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Board members may be reappointed.

(4) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

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

(6) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including, if applicable, R.S. 42:11 et seq., relative to open meetings. The board shall hold regular meetings as provided for in the bylaws and may hold special meetings at such times and places within the district as prescribed in the bylaws.

(7) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to residents of the district.

(8) Each member of the board shall have one vote, and the vote of a majority of the members of the board present and voting, a quorum being present,

shall be required to decide any question upon which the board takes action.

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

E. Powers and duties. The district, acting through its board, shall have the following powers and duties:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public.

(5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.

(6) To enter into contracts and arrangements with one or more other security and improvement districts for the joint security, improvement, or betterment of all participating districts.

(7) To contract for such services and expenditures as the board deems proper for the upkeep of the district.

(8) To acquire or lease items and supplies which the board deems useful to achieving the purposes of the district.

(9) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with district plans.

(10) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

(11) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

F. Parcel fee. The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1)(a) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be imposed on each improved or unimproved parcel located within the district. The fee shall be a flat fee per parcel per year not to exceed four hundred dollars for unimproved parcels zoned residential, four hundred dollars for improved single-family parcels zoned residential, one thousand dollars for improved multi-family parcels zoned residential, and one thousand dollars for unimproved and improved parcels zoned commercial.

(b) Notwithstanding the provisions of Subparagraph(a) of this Paragraph, if multiple adjacent residential parcels are combined for the purpose of housing a single-family dwelling, the flat fee for the combined parcel shall not exceed six hundred dollars per year.

(2)(a) For purposes of this Section, “parcel” means a lot, a subdivided portion of ground, or an individual tract.

(b) The owner of each parcel shall be responsible for payment of the fee.

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

(4) The term of the imposition of the fee shall be as provided in the proposition authorizing the fee, not to exceed eight years. The fee may be renewed if the renewal is approved by the voters in the manner provided in Paragraph (3) of this Subsection. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

(5) The fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the city are collected.

(6) Any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

(7)(a) The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the city may retain one percent of the amount collected as a collection fee.

(b) The city of New Orleans shall remit to the district all amounts collected not more than sixty days after collection.

G. Additional contributions. The district may solicit and accept additional voluntary contributions and grants to further the purposes of the district.

H. Budget. (1) The board shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that the additional law enforcement or security personnel and their services provided for through the fees authorized in this Section shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

(2) If the district ceases to exist, all funds of the district shall be transmitted by the board to the city of New Orleans, and such funds, together with any other funds collected by the city of New Orleans pursuant to this Section, shall be maintained in a separate account by the city and shall be used only

to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

J. Indemnification and exculpation. (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board member or officer, provided that the foregoing provision shall not eliminate or limit the liability of a board member or officer for any of the following:

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

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

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

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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 202**

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HOUSE BILL NO. 333  
BY REPRESENTATIVE ADAMS  
AN ACT

To amend and reenact R.S. 33:2495.3(A), relative to the classified fire service; to provide relative to persons selected for appointment to entry-level positions in the city of Zachary; to provide relative to the formal training of such persons; 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. 33:2495.3(A) is hereby amended and reenacted to read as follows:

§2495.3. Recruit and recruit period; certain municipalities

A. Notwithstanding any other provision of law to the contrary, in the cities of Baton Rouge, Bossier City, Houma, Lafayette, ~~and Shreveport, and Zachary~~ no person selected for appointment to an entry-level position in the classified service from the competitive firefighter employment list who has not successfully completed formal training as required by Subsection B of this Section shall begin the working test period. However, such person shall be employed by the appointing authority and reported as a recruit and shall immediately begin his formal training.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 203**

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HOUSE BILL NO. 354  
BY REPRESENTATIVE SCHAMERHORN  
AN ACT

To amend and reenact R.S. 32:1(2)(a), 401(2)(a), and 408(C)(3), relative to autocycles; to modify the definition of "autocycle" relative to motor vehicles and traffic regulation; to modify the definition of "autocycle" applicable to an exemption for certain driver's license endorsements for operators; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(2)(a), 401(2)(a), and 408(C)(3) are hereby amended and reenacted to read as follows:

§1. Definitions

When used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

\* \* \*

(2)(a) "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in either a partially or completely enclosed seating area or in a side-by-side seating area that is equipped with a rollbar or roll cage, safety belts for all occupants, and is designed to be controlled with a steering wheel mechanism and pedals.

\* \* \*

§401. Definitions

The following words and phrases when used in this Chapter shall have the meaning assigned to them in this Section unless the context clearly indicates otherwise:

\* \* \*(2)(a) "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in either a partially or completely enclosed seating area or in a side-by-side seating area that is equipped with a rollbar or roll cage, safety belts for all occupants, and is designed to be controlled with a steering wheel mechanism and pedals.

\* \* \*

§408. Examination of applicants required; classes of licenses

\* \* \*

C.

\* \* \*

(3) The provisions of Paragraph (1) of this Subsection shall not apply to autocycles as defined by R.S. 32:401(2). As such, the operation of an autocycle shall not require a special endorsement but shall require only that the operator hold a valid driver's license.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 204**

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SENATE BILL NO. 108  
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. 40:2162(D)(2)(a) and R.S. 46:460.61 and to enact R.S. 46:460.77.3 and 460.81(D), relative to the Medicaid managed care program; to provide relative to mental health rehabilitation services delivered through the program; to provide relative to Medicaid-covered specialized behavioral health rehabilitation services; to provide for staff training requirements; to provide for rulemaking; to provide for credentialing; to provide for penalties; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2162(D)(2)(a) is hereby amended and reenacted to read as follows:

§2162. Specialized behavioral health rehabilitation services in the Louisiana medical assistance program

\* \* \*

D. In order to be eligible to receive Medicaid reimbursement, all behavioral health services providers shall ensure that any individual rendering PSR or CPST services for the licensed and accredited provider agency meets all of the following requirements:

\* \* \*

(2)(a) On and after July 1, 2018, any individual rendering PSR services for a licensed and accredited provider agency shall hold a minimum of a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology, or sociology. Any individual rendering PSR services who does not possess the minimum bachelor's degree required in this Paragraph, but who met all provider qualifications in effect prior to July 1, 2018, may continue to provide PSR services for ~~the same provider agency. Prior to the individual rendering PSR services at a different provider agency, he must comply with the provisions of this Section~~ **any licensed and accredited provider agency.**

\* \* \*

Section 2. R.S. 46:460.61 is hereby amended and reenacted and R.S. 46:460.77.3 and 460.81(D) are hereby enacted to read as follows:

§460.61. Provider credentialing

A. Any managed care organization that requires a health care provider to be credentialed, recertified, or approved prior to rendering health care services to a Medicaid recipient shall complete a credentialing process within ~~ninety~~ **sixty** days from the date on which the managed care organization has received all the information needed for credentialing, including the health care provider's correctly and fully completed application and attestations and all verifications or verification supporting statements required by the managed care organization to comply with accreditation requirements and generally accepted industry practices and provisions to obtain reasonable applicant-specific information relative to the particular or precise services proposed to be rendered by the applicant.

B.(1) Within thirty days of the date of receipt of an application, a managed care organization shall inform the applicant of all defects and reasons known at the time by the managed care organization in the event a submitted application is deemed to be not correctly and fully completed.

(2) A managed care organization shall inform the applicant in the event that any needed verification or a verification supporting statement has not been received within ~~sixty~~ **forty-five** days of the date of the managed care organization's request.

C. **A healthcare provider shall be considered credentialed, recertified, or approved and shall receive payment according to the Medicaid fee schedule if a managed care organization fails to do one of the following within sixty days**

**of receipt of all information needed for credentialing, including all documents required by Subsection A of this Section, and a signed provider agreement:**

**(1) Review, approve, and load an approved applicant to its provider files in its claims processing system and submit on the electronic provider directory to the department or its designee.**

**(2) Deny the application and ensure that the provider is not reimbursed for providing services to enrollees.**

**D.** In order to establish uniformity in the submission of an applicant's standardized information to each managed care organization for which he may seek to provide health care services until submission of an applicant's standardized information in a paper format shall be superseded by a provider's required submission and a managed care organization's required acceptance by electronic submission, an applicant shall utilize and a managed care organization shall accept either of the following at the sole discretion of the managed care organization:

(1) The current version of the Louisiana Standardized Credentialing Application Form or its successor, as promulgated by the Department of Insurance.

(2) The current format used by the Council for Affordable Quality Healthcare (CAQH) or its successor.

**E.** **If a managed care organization determines upon completion of the credentialing process that an applicant's healthcare provider does not meet the managed care organization's credentialing requirements, the managed care organization may initiate an action to recover from the healthcare provider or the provider group an amount equal to the difference between appropriate payments for out-of-network benefits and in-network benefits paid to the provider prior to completion of the credentialing process if both of the following requirements are met:**

**(1) The managed care organization notified the applicant healthcare provider of the adverse determination.**

**(2) The managed care organization initiated action for recovery no later than thirty days after the adverse determination.**

\* \* \*

**§460.77.3. Staff training requirements**

**A. Employees, contractors, and subcontractors of managed care organizations performing work or services related to the performance or supervision of audits, prior authorization determinations, and clinical reviews of mental health rehabilitation services providers shall receive annual training on Louisiana's Medicaid Behavioral Health Provider Manual and the relevant state laws, policies, and regulations related to the state's mental health rehabilitation program.**

**B. Employees, contractors, and subcontractors of managed care organizations shall take all necessary steps to ensure mental health rehabilitation services providers are rostered, credentialed, or otherwise eligible to provide and be reimbursed for mental health rehabilitation services in accordance with R.S. 46:460.61.**

**C. For purposes of this Section, the following definitions apply:**

**(1) "Mental health rehabilitation" means an outpatient healthcare program provider of any psychosocial rehabilitation, crisis intervention, or community psychiatric support and treatment services that promotes the restoration of community functioning and well-being of an individual diagnosed with a mental health or mental or emotional disorder. A mental health rehabilitation provider uses evidence-based supports and interventions designed to improve individual and community outcomes.**

**(2) "Mental health rehabilitation services" means outpatient services for adults with serious mental illness and children with emotional or behavioral disorders which are medically necessary to reduce the disability resulting from mental illness and assist in the recovery and resiliency of the recipient. Such services are home- and community-based and are provided on an as-needed basis to assist recipients in coping with the symptoms of their illness. The intent of mental health rehabilitation services is to minimize the disabling effects on the individual's capacity for independent living and to prevent or limit the periods of inpatient treatment.**

**D. The department shall promulgate in accordance with the Administrative Procedure Act all rules as are necessary to implement the provisions of this Section.**

\* \* \*

§460.81. Right of providers to independent review; applicability

\* \* \*

**D. Notwithstanding any other provision of law, a mental health rehabilitation services provider shall have the right to an independent review of an adverse determination taken by a managed care organization that results in a recoupment of the payment of a claim based upon a finding of waste or abuse.**

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

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 205  
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SENATE BILL NO. 111  
BY SENATOR WOMACK

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

AN ACT

To amend and reenact R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) and to enact R.S. 38:2212(E)(8) and 2241.1(D), relative to public contracts; to provide for timely execution and approval of change orders; to provide for filing injunctions or mandamus suits involving bids; to provide awarding bids after judicial determinations of the lowest responsive and responsible bidder; to provide for payments under a contract; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) are hereby amended and reenacted and R.S. 38:2212(E)(8) and 2241.1(D) are hereby enacted to read as follows:

§2191. Payments under contract

A. All public entities shall promptly pay all obligations **including approved change orders**, arising under public contracts when the obligations become due and payable under the contract. All progressive stage payments and final payments shall be paid when they respectively become due and payable under the contract.

\* \* \*

§2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions

\* \* \*

B.

\* \* \*

(2) Any public entity advertising for public work shall use only the Louisiana Uniform Bid Form as promulgated in accordance with the Administrative Procedure Act by the division of administration, office of facility planning and control. The bidding documents shall require only the following information and documentation to be submitted by a bidder at the time designated in the advertisement for bid opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid, Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm or Joint Venture, Corporate Resolution or written evidence of the authority of the person signing the bid, and Louisiana Contractors License Number, and on public works projects where unit prices are utilized, a section on the bid form where the unit price utilized in the bid shall be set forth including a description for each unit; however, unit prices shall not be utilized for the construction of building projects, unless the unit prices and their extensions are incorporated into the base bid or alternates. **Any timely change by a bidder to the bid prior to submission of the bid shall be scratched through and initialed by the bidder or the person who submits the bid. The change as initialed shall be binding.**

\* \* \*

E.(1)

\* \* \*

**(8) For the purpose of bids submitted electronically, the last timely bid submission by each and any bidder shall be binding.**

\* \* \*

§2222. Change orders; recordation

A. Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract amount and which additional amount is at least ten thousand dollars or all change orders to a contract aggregating to an amount of twenty percent or more of the original contract amount and which additional amount is at least ten thousand dollars shall be recorded by the public entity which entered into the contract in the office of the recorder of mortgages in the parish where the work is to be done or, if not a public work, where the entity is domiciled not later than thirty days after the date of the change order which requires that the recordation take place. In addition, the original contract shall be recorded together with the change orders if not previously recorded. The provisions of this Section shall not apply to the office of facility planning and control, and the office of state procurement.

**B. Change orders shall be processed and issued by the public entity no later than forty days following final execution of the change order.**

\* \* \*

§2241.1. Acceptance of governing authority

\* \* \*

C. Any public entity that does not file for recordation an acceptance of public work, shall require the contractor to have recorded in the office of the recorder of mortgages, in the parish where the work has been done, an acceptance of such work or of any specified area of such work, not later than forty-five calendar days after the date of completion or substantial completion of the work. This acceptance shall not be executed except upon the recommendation of the design professional hired by the public entity whose recommendation **may shall** be made not later than thirty calendar days after the date of completion or substantial completion of such public work. **A public entity shall not take, use, or occupy the public work or use or occupy the specified area of the public work for which it was intended until the substantial completion has been filed pursuant to this Section, unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor.**

**D. The public entity's failure to comply with the provisions of this Section shall be subject to a writ of mandamus.**

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin

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ACT No. 206

SENATE BILL NO. 112  
BY SENATOR HENRY

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

To amend and reenact R.S. 32:1720(A) and (B)(4) and (8), 1728(A) and (D) (1) through (3), 1728.2(D) and (G), 1728.3(A), (B), and (C), the introductory paragraph of (D)(1), (D)(2), the introductory paragraph of (F)(1), (F)(1)(f) and (g), and (G), and 1734 (A), (B), and (D), and to enact R.S. 32:1734(F), relative to the Louisiana Towing and Storage Act; to require certain notices be sent by certified mail, electronic return receipt; to require the retention of certain records by the owner of a towing, storage, or parking facility; to provide certain terms and procedures; to provide for fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1720(A) and (B)(4) and (8), 1728(A) and (D)(1) through (3), 1728.2(D) and (G), 1728.3(A), (B), and (C), the introductory paragraph of (D) (1), (D)(2), the introductory paragraph of (F)(1), (F)(1)(f) and (g), and (G) and 1734(A), (B), and (D) are hereby amended and reenacted and R.S. 32:1734(F) is hereby enacted to read as follows:

§1720. Owner notification of a stored vehicle; right to request administrative hearing

A. Within ten business days from the date the department or its authorized agent sends the owner information of the stored vehicle, which includes information regarding the holder of any lien on the vehicle, to the owner of the towing, storage, or parking facility, to the owner of the towing, storage, or parking facility shall send notice ~~by~~ **with a** certificate of mailing to the owner of the vehicle at the owner's last known address and to the holder of any lien on the vehicle. If the department or its authorized agent sends the owner information electronically, the owner of the towing, storage, or parking facility shall send notice within five business days.

B. The notice required in Subsection A of this Section shall include the following information:

\* \* \*

(4) The name of the person or agency ~~which~~ **that** had the vehicle towed or placed in storage.

\* \* \*

(8) Notice of the right of the owner and holder of any lien on the vehicle to an administrative hearing as required in R.S. 32:1727. The notice shall contain the deadline for requesting an administrative hearing and shall ~~also~~ contain information regarding the date by which the request for an administrative hearing ~~must~~ **shall** be mailed by certified ~~letter~~ **mail**, return receipt requested.

\* \* \*

§1728. Disposal of a stored motor vehicle

A.(1) After forty-five days from the original date of storage or adjusted storage date, if applicable, the storage or parking facility owner shall send a final notice ~~by certified mail, electronic return receipt,~~ which shall comply with the notice requirements of R.S. ~~32:1720(B)(1) through (7)~~ **R.S. 32:1720** to the stored vehicle's owner ~~and to the holder of any lien on the stored vehicle.~~ **This notice shall apply to any vehicle that is five years old or newer and shall apply only to a vehicle that was a non-consensual tow or non-consensual storage as defined in R.S. 32:1713. Any notice relating to a consensual tow or consensual storage shall require a certificate of mailing as evidence the notice was sent.**

(2) ~~After forty-five days from the original date of storage or adjusted storage date, if applicable, the storage or parking facility owner shall send a final notice by mail with a certificate of mailing which shall comply with the notice requirements of R.S. 32:1720 to the stored vehicle's owner and to the holder of any lien on the stored vehicle. This notice shall apply to any vehicle that is over five years old.~~

(3) The final notice shall inform the stored vehicle's owner that unless he pays all outstanding charges and claims the vehicle or makes arrangements with the storage or parking facility owner for the continued storage of the vehicle, the storage or parking facility owner may apply for a permit to sell or permit to dismantle from the department after fifteen days from the date the final notice is mailed to the stored vehicle's owner. The notice shall also inform the stored vehicle's owner of the provisions in R.S. 32:1730 and that they may be turned over to collections for failure to pay outstanding charges and claims. The towing, storage, or parking facility shall not charge for storage past the ninetieth day from the original date of storage, or the adjusted storage date, if applicable. The storage or parking facility owner may continue to charge storage up to the ninetieth day, or until the permit to sell has been issued, if the application for the permit to sell was submitted prior to the ninetieth day from the original date of storage or the adjusted storage date, if applicable.

\* \* \*

D. Prior to issuance of the permit to sell or permit to dismantle, the storage or parking facility owner shall provide the department with the following evidence:

(1) A copy of the original report of the stored vehicle including owner ~~and lienholder~~ information furnished by the department or its authorized agent.

(2) A copy of the first and final notices sent to the owner of the stored vehicle ~~and to the holder of any lien on the stored vehicle.~~

(3) The original certificate of mailing for ~~both the first notice and the certified mail, electronic return receipt, if applicable, for the final notices~~ **notice** sent to the stored vehicle's owner ~~and to the holder of any lien on the stored vehicle~~ and the returned unopened envelope, if applicable, for the first ~~or~~ **and** final notices with postal markings indicating the post office's attempt to deliver ~~such the notice notices.~~ If these items cannot be furnished, other documented proof that the storage or parking facility owner sent notice to the stored vehicle's owner shall be submitted to the department.

\* \* \*

§1728.2. Procedure for disposal of junk vehicles

\* \* \*

D. Each owner-operator who possesses a vehicle which meets the criteria set forth in Paragraph (C)(2) of this Section may make application for crushing of the vehicle at the expiration of thirty days or make application for dismantling of the vehicle at the expiration of thirty days from mailing of the notice. The application shall be made in a format authorized by the department upon satisfaction and submission of each of the following requirements:

(1) The owner-operator has complied with the provisions of R.S. 32:1719 and 1720.

~~(2) The owner-operator has the vehicle physically inspected by a Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer, who has been trained and certified by the Department of Public Safety and Corrections, office of state police, to inspect vehicles to be crushed or dismantled.~~

(4)(2) The owner-operator obtains an appraisal showing the vehicle has a fair market value of five hundred dollars or less. The appraisal shall be based on the rough trade-in value of the vehicle as determined by the most recent National Automobile Dealers Association Guide. An original appraisal prepared by an independent appraiser, which shall contain the year, make, model, and vehicle identification number, shall be acceptable for vehicles not valued by the National Automobile Dealers Association Guide.

(5)(3) The owner-operator shall take photographs of all four sides of the vehicle prior to making application for permission to crush or dismantle.

\* \* \*

G.(1) The owner-operator shall maintain copies of the following records on all vehicles crushed or dismantled ~~under~~ **pursuant to** the provisions of this Section:

~~(1) Completed physical inspection form as prepared by a Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer who has been trained and certified by the Department of Public Safety and Corrections, office of state police, to inspect vehicles to be crushed or dismantled.~~

(2)(a) One appraisal showing the vehicle has a fair market value of five hundred dollars or less. The appraisal shall be based on the rough trade-in value of the vehicle as determined by the most recent National Automobile Dealers Association Guide. An original appraisal prepared by an independent appraiser, which shall contain the year, make, model, and vehicle identification number, shall be acceptable for vehicles not valued by the National Automobile Dealers Association Guide.

(3)(b) A photograph of all four sides of the vehicle prior to crushing or dismantling.

(4)(c) A copy of the original report of a stored vehicle as required in R.S. 32:1719.

(5)(d) A copy of the notice required by R.S. 32:1720 which was sent to the registered owner of the vehicle, the holder of any lien on the vehicle, and any other person with an ownership interest in the vehicle.

(6)(e) The original certificate of mailing for the notice sent to the stored vehicle's owner and the returned unopened envelope, if applicable, with the postal marking indicating attempt to deliver the ~~letter~~ **notice** required by this Section **R.S. 32:1720**. If these items could not be furnished, other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner shall be retained by the owner-operator.

(2) These records shall be open to inspection by any peace officer any time the business is open. All records required by this Section shall be maintained for a period of at least three years.

\* \* \*

§1728.3. Procedure for disposal of certain vehicles deemed abandoned by municipality or parish

A. This Section provides a procedure for disposing of certain vehicles. The procedure provided for in this Section shall be an alternative to the procedures set forth in R.S. 32:1728, 1728.2, and 1728.4. When a vehicle is eligible for disposal ~~under~~ **pursuant to** the provisions of this Section, the provisions of R.S. 32:1728, 1728.2, and 1728.4 shall not apply to the disposal of that vehicle.

B. As used in this Section, "owner-operator" means a person or legal entity who owns or operates a business engaged in the towing or storage of vehicles, and has a vehicle licensed as a towing vehicle ~~under~~ **pursuant to** R.S. 32:1716.

C. In order to utilize the provisions of this Section, the owner-operator ~~must shall have taken~~ **take** possession of the vehicle at the request of a municipality or parish acting ~~under~~ **pursuant to** R.S. 32:473.1 and the vehicle shall have an appraisal with a fair market value of five hundred dollars or less. The appraisal shall be based on the rough trade-in value of the vehicle as determined by the most recent National Automobile Dealers Association Guide.

D.(1) Each owner-operator who possesses a vehicle ~~which~~ **that** meets the

criteria set forth in Subsection C of this Section may crush or dismantle the vehicle provided the owner-operator satisfies each of the following requirements:

\* \* \*

(2) At the expiration of thirty days after mailing the notice, by certificate of mailing, required by R.S. 32:1720, the owner-operator may crush or dismantle the vehicle.

\* \* \*

F.(1) The owner-operator shall maintain the following records on all vehicles crushed or dismantled ~~under~~ **pursuant to** the provisions of this Section:

\* \* \*

(f) A copy of the notice required by R.S. 32:1720 ~~which that~~ was sent to the registered owner of the vehicle, the holder of any lien on the vehicle, and any other person with an ownership interest in the vehicle.

(g) The original signed post office receipt of delivery if the ~~letter~~ **notice** required to be sent by this Section has been delivered; or the returned unopened envelope with the postal marking indicating attempt to deliver the ~~letter~~ **notice** required by ~~this Section~~ **R.S. 32:1720**. If either of these items could not be furnished, other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner shall be retained by the owner-operator.

\* \* \*

G. The municipality or parish shall not incur any liability as a result of the disposal of a vehicle ~~under~~ **pursuant to** these provisions.

\* \* \*

§1734. Gate fees; other fees; excessive charges; prohibitions; cause of action  
A. A towing or storage company that assesses gate fees shall ~~not assess such fee in an amount in excess of forty-five dollars~~ **assess a fixed fee in an amount determined by the Public Service Commission.**

B. If the towing or storage company charges a gate fee in excess of ~~forty-five dollars~~ **the amount fixed by the Public Service Commission**, the owner of the vehicle shall have a right and cause of action to recover the amount of the excess fee, plus reasonable attorney fees, and all costs of court.

\* \* \*

D. No towing or storage company shall charge a fee for the retrieval of contents from a stored or towed vehicle during normal business hours. However, a towing or storage company may charge a fee, ~~not to exceed forty-five dollars, in an amount determined by the Public Service Commission~~ for the retrieval of contents from a stored or towed vehicle at a time other than during normal business hours. If the towing or storage company charges a fee in violation of this Subsection, the owner of the vehicle shall have a right and cause of action to recover the amount of the excess fee, plus reasonable attorney fees and all costs of court.

\* \* \*

**F. The administrative and mailing fees for filing the Official Report of Stored Vehicles for in-state and out-of-state notifications shall be determined by the Public Service 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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 207**

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SENATE BILL NO. 113  
BY SENATORS TARVER AND CARTER

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

AN ACT

To amend and reenact Code of Civil Procedure Art. 192.2(B), relative to interpreters in certain civil proceedings; to provide relative to costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 192.2(B) is hereby amended and reenacted to read as follows:

Art. 192.2. Appointment of interpreter for non-English-speaking persons

\* \* \*

B. ~~The~~ **Notwithstanding any other provision of law to the contrary, the** court shall order payment to the interpreter for his services at a fixed reasonable amount, and that amount shall be paid out of the appropriate court fund; ~~except as provided in Paragraph C of this Article. The amount paid out of the fund may be taxed by the court as costs of court to be reimbursed to the fund.~~

\* \* \*

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.

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

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 208**

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SENATE BILL NO. 114

BY SENATOR PEACOCK AND REPRESENTATIVES AMEDEE, BRYANT, GARY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, FREEMAN, GLOVER, GREEN, HORTON, JENKINS, MIKE JOHNSON, LARVADAIN, MCMAHEN, MOORE, CHARLES OWEN, ROMERO AND THOMPSON  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R. S. 17:101 and 3996(B)(59), relative to public elementary and secondary schools; to provide for remote registration and preliminary enrollment of children of military personnel under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:101 and 3996(B)(59) are hereby enacted to read as follows:  
**§101. Children of military families; registration prior to residency; preliminary enrollment**

**A. A public school governing authority shall allow a dependent child of an active duty member of the United States Armed Forces, of the military reserve forces, or of the National Guard or a Department of Defense civilian to register and preliminarily enroll in a public school under its jurisdiction by remote means, including electronic means, prior to becoming a resident of the state, provided all of the following apply:**

**(1) The student's parent or legal guardian is transferred or pending transfer to a military installation or comparable duty location in Louisiana pursuant to an official military order.**

**(2) The student's parent or legal guardian provides a copy of the official military order transferring the parent or legal guardian to a military installation or comparable duty location in Louisiana to the public school governing authority.**

**(3) The student's parent or legal guardian completes and submits all required registration and enrollment forms and documentation to the public school governing authority, except that proof of residency shall not be required until ten days after the arrival date specified on the parent or legal guardian's transfer orders.**

**B. A public school governing authority shall provide a student who remotely registers pursuant to this Section the same enrollment opportunities available to resident students, including requesting and applying for school assignment, registering for courses, participating in extracurricular activities, and applying to any school or program that requires an additional request, including a lottery for admission to a specific school or program.**

**C. A student registered and enrolled pursuant to this Section shall not attend school until proof of residency is provided in accordance with the policies of the school's governing authority.**

\* \* \*

§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) Remote school registration and enrollment of children of military personnel transferring to the state, R.S. 17:101.**

\* \* \*

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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 209**

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SENATE BILL NO. 116

BY SENATORS TARVER AND CARTER AND REPRESENTATIVES  
GLOVER AND PHELPS

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

AN ACT

To amend and reenact R.S. 46:231.12(A), (E), and (F) and to repeal R.S.

\* As it appears in the enrolled bill

46:231.12(G), to provide relative to employment and education; to provide relative to workers' compensation and liability coverage for certain participants; to provide for terms and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:231.12(A), (E), and (F) are hereby amended and reenacted to read

as follows:

§231.12. Employment, education, and related services for FITAP participants; responsibilities of the secretary, agencies, and participants

A. (1) The department shall develop and implement STEP as the employment program for work-eligible recipients of cash assistance in accordance with the provisions of the Federal Welfare Reform Act. The Louisiana Workforce Commission shall may collaborate with the department to identify and coordinate employment services for the program. ~~The Louisiana Workforce Commission and the department shall report to the House and Senate committees on health and welfare on the progress of the plan within one year of the implementation of the plan.~~

(2) The employment services provided for in this Subsection shall may be delivered pursuant to performance-based contracts between the department and the Louisiana Workforce Commission, other government agencies, or any community partner. The services may include but shall not be limited to the following:

- (a) Job readiness, job preparation, and job search.
- (b) Workplace literacy and related assessments.
- (c) Applicable skill-based training, employer-based training, and other employment activities designed to meet the needs of Louisiana employers with a preference towards demand occupations.
- (d) Temporary and permanent job placements.
- (e) Subsidized employment services.
- (f) On-the-job training.

\* \* \*

~~E. The secretary shall provide workers' compensation and liability insurance coverage for participants engaged in work experience or community service activities.~~

F. Subject to appropriation, the department may provide support services and transitional services to facilitate progress by FITAP recipients toward self-sufficiency and sustainable employment.

~~G. E. The secretary shall promulgate in accordance with the Administrative Procedure Act any rules necessary to implement the provisions of this Section.~~

Section 2. R.S. 46:231.12(G) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not

signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided 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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 210**

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SENATE BILL NO. 133  
BY SENATOR BARROW

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

To enact R.S. 40:1262, relative to equity in health care services; to provide for the duties of the Louisiana Department of Health; to provide for best practices and protocols for treating communities with underlying medical conditions and health disparities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1262 is hereby enacted to read as follows:

**§1262. Health equity; duties of the Louisiana Department of Health**

**A. The Louisiana Department of Health, in addition to the other powers and duties conferred upon it by law, shall serve as a foundation and resource for addressing health care disparities for women and vulnerable populations, and contribute to the improvement of the health of Louisiana's citizens. Specific to the improvement in the health of women in Louisiana, the Louisiana Department of Health shall be responsible for leading, consolidating, and coordinating efforts across the state geared toward improving women's health outcomes through policy, education, evidence-based practices, programs, and services.**

**B. As part of carrying out the duties provided for in Subsection A of this Section, the Louisiana Department of Health shall engage in all of the following activities:**

**(1) Complete a thorough assessment of all activities engaged in or services provided by the department that may specifically impact the health or quality of life of women. The department shall submit this assessment to the House Committee on Health and Welfare and Senate Committee on Health and Welfare no later than February 15, 2022.**

**(2) Make available to health care professionals the best practices and protocols for treating communities with underlying medical conditions and health disparities by doing all of the following:**

**(a) Examining opportunities which provide greater access to high quality medical care and improve health outcomes.**

**(b) Performing a comprehensive evidenced-based analysis of the determinants of health equity that influence racial health disparities.**

**(c) Performing a comprehensive evidenced-based analysis of interventions that positively impact health equity and address disparities.**

**(d) Performing a comprehensive examination of the population dynamics that are indicative of health equity and disparities.**

**(e) Promoting health awareness educational media campaigns.**

**C. To assist in carrying out its duties pursuant to this Section, the Louisiana Department of Health may analyze any other relevant data which will add to the work of the department, seek input from any interested parties including but not limited to licensed health care professionals, advocates, and concerned citizens, pursue any relevant topics including policies and laws that impact health disparities, and promote community outreach and extension activities.**

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

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 211**

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SENATE BILL NO. 136  
BY SENATOR FRED MILLS

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

To amend and reenact R.S. 3:4104(G), R.S. 15:587.1.2(D), R.S. 22:11.1, R.S. 27:220(D), R.S. 29:784(B), R.S. 30:2019(C) and (D)(2)(d), 2019.1(E), and 2022(B) (3), R.S. 32:415.2(D)(1), R.S. 34:851.14.1(B), R.S. 36:254(D)(1)(a)(i), R.S. 40:5.3(E), 962(H), 2008.10(B), and 2136(B), R.S. 49:953(E)(1) and (G)(3)(d), 954(B), and R.S. 56:6.1(B), to enact R.S. 49:951(8) and 953.1, and to repeal R.S. 49:953(B), relative to emergency rulemaking; to provide for emergency rulemaking in extraordinary circumstances; to provide for criteria that justify an emergency rule; to provide for occurrences that do not satisfy emergency rulemaking; to provide for minimum information in an agency statement for emergency rulemaking; to provide for the effective date, duration, and applicability of an emergency rule; to provide for a maximum number of times an agency can repromulgate an identical emergency rule; to provide for declaratory judgment of the validity of an emergency rule; to provide for legislative oversight of an emergency rule; to provide for gubernatorial oversight of an emergency rule; to provide for notice to the agency if an emergency rule is determined to be unacceptable; to provide for final action on the emergency rule; to provide technical changes to correlating statutes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4104(G) is hereby amended and reenacted to read as follows:  
§4104. Production stabilization plans

\* \* \*

G. Each production stabilization plan adopted pursuant to this section shall be considered a "rule" as that term is defined in R.S. 49:951(6); and the adoption, amendment, and judicial review of such plans shall be in accordance with the provisions of the Administrative Procedure Act (R.S. 49:951 et seq.) relating to rules and rule-making. The revision of any provision of a production stabilization plan shall be accomplished only by the amendment of such plan. Any suspensive action taken by the commissioner pursuant to Subsection F of this section ~~Section~~ and any action taken by the commissioner pursuant to the third paragraph of Subsection B of this section ~~Paragraph (B)(3) of this Section~~ shall be deemed an "emergency rule" as that term is used in R.S. 49:953(B) ~~R.S. 49:953.1~~, but the commissioner shall not be required to find that any such action is required by an imminent peril to the public health, safety, or welfare.

\* \* \*

Section 2. R.S. 15:587.1.2(D) is hereby amended and reenacted to read as follows:

§587.1.2. Provision of information to protect children who receive services at a therapeutic group home

\* \* \*

D. The Louisiana Department of Health may adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section, including requirements and provisions for utilizing the criminal history information. The department may utilize the process provided in R.S. 49:953(B) ~~R.S. 49:953.1~~ for adoption of the rule.

Section 3. R.S. 22:11.1 is hereby amended and reenacted to read as follows:

§11.1. Rules and regulations; essential health benefits package  
The commissioner shall promulgate rules pursuant to the Administrative

Procedure Act to define “essential health benefits”, to establish annual limitations on cost sharing and deductibles, and to define required levels of coverage. The commissioner shall adopt initial administrative rules before January 1, 2020. Notwithstanding any provision of ~~R.S. 49:953(B)~~ **R.S. 49:953.1** to the contrary, the commissioner may adopt initial administrative rules as required by this Section pursuant to the provisions of ~~R.S. 49:953(B)~~ **R.S. 49:953.1** without a finding that an imminent peril to the public health, safety, or welfare exists.

Section 4. R.S. 27:220(D) is hereby amended and reenacted to read as follows:

§220. Duties of the board; adoption of administrative regulations; rulemaking authority

\* \* \*

D. For purposes of expeditious implementation of the provisions of this Chapter, the promulgation of initial administrative rules shall constitute a matter of imminent peril to public health, safety, and welfare as provided in ~~R.S. 49:953(B)~~ **R.S. 49:953.1**.

Section 5. R.S. 29:784(B) is hereby amended and reenacted to read as follows: §784. Regulation of services during emergency

\* \* \*

B. An order issued pursuant to Subsection A of this Section may take effect immediately and shall be promulgated as an emergency rule as provided in ~~R.S. 49:953~~ **R.S. 49:953.1**.

\* \* \*

Section 6. R.S. 30:2019(C) and (D)(2)(d), 2019.1(E), and 2022(B)(3) are hereby amended and reenacted to read as follows:

§2019. Promulgation of rules and regulations

\* \* \*

C. Except for ~~R.S. 49:953(B)(1)~~ **R.S. 49:953.1**, promulgation of rules or regulations requiring a permit, license, or compliance schedule of a previously unregulated industry or practice shall not be initiated prior to a public hearing being held. Such hearing shall be held in accordance with the Administrative Procedure Act.

\* \* \*

D.

(2) Subparagraph (1)(b) of this Subsection shall not apply to any rule that meets any of the following criteria:

\* \* \*

(d) Is an emergency rule under ~~R.S. 49:953(B)~~ **R.S. 49:953.1**.

\* \* \*

§2019.1. Promulgation of rules and regulations affecting agriculture

\* \* \*

E. Unless an emergency is initially declared by the governor and action is taken as provided for in ~~R.S. 49:953(B)(1)~~ **R.S. 49:953.1**, no rule, regulation, or permit fee may be adopted, amended, or repealed which affects the agriculture industry unless statements from the secretary of the department, the chancellor, and the commissioner of agriculture and forestry accompany the rule, regulation, or permit fee which outline their individual opinions on the issues of whether the rule, regulation, or permit fee is justified, practical, and worthy of implementation, and public hearings have been held in accordance with the Administrative Procedure Act. Such statements from the secretary of the department, the chancellor, and the commissioner of agriculture and forestry shall be provided to the appropriate legislative oversight committee by the respective official. The failure of an official to provide a statement shall constitute support for the rule, regulation, or permit fee.

\* \* \*

§2022. Permit applications and variance requests; notification

\* \* \*

B.

\* \* \*

(3) Applications undergoing technical review shall not be subject to rule changes ~~which that~~ occur during the technical review unless such changes are made in accordance with ~~R.S. 49:953(B)(1)~~ **R.S. 49:953.1** or are required by federal law or regulation to be incorporated prior to permit issuance. However, such a rule change made prior to the issuance of the permit may constitute grounds for a modification of the final permit.

\* \* \*

Section 7. R.S. 32:415.2(D)(1) is hereby amended and reenacted to read as follows:

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

\* \* \*

D.(1) The Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations for implementation of the provisions of this Section. Once the department has published the notice of intent to adopt the permanent rules in the Louisiana Register, and the period for public comment has expired, the department is authorized to adopt the proposed rule as an emergency rule to expedite the enforcement of this Section subject to legislative oversight as provided in R.S. 49:968, ~~and~~ **953, and 953.1**.

\* \* \*

Section 8. R.S. 34:851.14.1(B) is hereby amended and reenacted to read as follows:

§851.14.1. Closure of waterways

\* \* \*

B. Any such closure or restricted use shall be made by an order issued by the secretary in the same manner as issuance of an emergency rule as provided in ~~R.S. 49:953(B)~~ **R.S. 49:953.1**. Such order shall be subject to oversight by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources in accordance with ~~R.S. 49:953(B)~~ **R.S. 49:953.1**. The order authorized in this Section shall specify a closure or a type of restriction, a description of the area subject to the order, and the reason for the emergency action. Upon issuance of any such order, no person shall operate a vessel contrary to the provisions of the order.

\* \* \*

Section 9. R.S. 36:254(D)(1)(a)(i) is hereby amended and reenacted to read as follows:

§254. Powers and duties of the secretary of the Louisiana Department of Health

\* \* \*

D.(1)(a)(i) The secretary shall direct and be responsible for the Medical Assistance Program, Title XIX of the Social Security Act, including eligibility determination and those health planning and resource development functions as are permissible under provisions of Title XIX of the Social Security Act, Title XXI of the Social Security Act, and R.S. 46:976. Any modification to the Medical Assistance Program approved by waiver by the United States Department of Health and Human Services, Health Care Financing Administration or its successor, that provides for a managed care or voucher system shall be implemented by the secretary but only after the approved plan and any modifications thereto have been approved by the House and Senate committees on health and welfare and the Joint Legislative Committee on the Budget. Unless approved by such committees as provided in this Subparagraph, modifications to the medical assistance program as provided herein shall not be considered avoidance of a budget deficit in the case of medical assistance programs, shall not be considered a means of securing new or enhanced federal funding in medical assistance programs, and shall not be considered necessary to avoid imminent peril to the public health, safety, or welfare; such modification shall not be promulgated as emergency rules under the provisions of ~~R.S. 49:953(B)~~ **R.S. 49:953.1** unless approved by such committees.

\* \* \*

Section 10. R.S. 40:5.3(E), 962(H), 2008.10(B), and 2136(B) are hereby amended and reenacted to read as follows:

§5.3. Molluscan shellfish sanitation requirements; opening and closing of molluscan shellfish growing areas; adoption of guidelines to regulate molluscan shellfish industry; authority to collect samples for bacteriological analysis; testing of oysters; Calcasieu Lake

\* \* \*

E. The purpose of this Section is to develop guidelines to govern and regulate the shellfish industry to ensure that the final shellfish product is safe and wholesome. The Louisiana Department of Health shall enforce the requirements for classification of shellfish growing areas and for certifying, processing, and distributing shellfish, which requirements are contained in Louisiana Administrative Code Title 51, Part IX and promulgated under the provisions of ~~R.S. 49:953(B)~~ **R.S. 49:953.1**.

\* \* \*

§962. Authority to control

\* \* \*

H. If the scheduling of a substance in Schedule I is necessary to avoid an imminent peril to the public health, safety, or welfare, the secretary may adopt an emergency rule adding the substance to Schedule I pursuant to ~~R.S. 49:953(B)~~ **R.S. 49:953.1**. In determining whether the substance poses an imminent peril to the public health, safety, or welfare, the secretary shall consider the factors set forth in Paragraphs (C)(4), (5), and (6) of this Section.

\* \* \*

§2008.10. Therapeutic group homes licensed by the Louisiana Department of Health; state central registry of child abuse and neglect; criminal background checks

\* \* \*

B. The Louisiana Department of Health may adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section, including requirements and provisions for utilizing the criminal history information. The department may utilize the process provided in ~~R.S. 49:953(B)~~ **R.S. 49:953.1** for adoption of the rule.

\* \* \*

§2136. Rules; regulations; minimum standards

\* \* \*

B. Notwithstanding the provisions of ~~R.S. 49:953(B)(1)~~ **R.S. 49:953.1**, or any other law, rule, or regulation, the licensing agency shall establish rules, regulations, and minimum standards for the licensing of ambulatory surgical centers as defined in R.S. 40:2133(A) by adopting emergency rules in accordance with the Administrative Procedure Act.

\* \* \*

Section 11. R.S. 49:953(E)(1) and (G)(3)(d) and 954(B) are hereby amended and reenacted and R.S. 49:951(8) and 953.1 are hereby enacted to read as follows:

§951. Definitions

As used in this Chapter:

\* \* \*

**(8) “Preamble” means a brief explanation of the basis and rationale for the intended administrative rulemaking action including a summary of the information and data supporting the intended action.**

\* \* \*  
§953. Procedure for adoption of rules; agency rule review  
\* \* \*

E.(1) No agency shall adopt, amend, or repeal any rule if the accompanying fiscal and economic impact statement approved by the Legislative Fiscal Office **legislative fiscal office** indicates that the rule change would result in any increase in the expenditure of state funds, unless the rule is adopted as an emergency rule pursuant to the requirements of this Section **R.S. 49:953.1** or unless the legislature has specifically appropriated the funds necessary for the expenditures associated with the rule change.

\* \* \*  
G.(1)

(3) This provision shall not apply in those cases where the policy, standard, or regulation:

\* \* \*  
(d) Is an emergency rule under Subsection B of this Section **R.S. 49:953.1**.  
\* \* \*

**§953.1. Emergency rulemaking**

**A.(1) In extraordinary circumstances an agency may adopt an emergency rule as an alternative to the rulemaking provisions provided for in R.S. 49:953. An emergency rule may be adopted by an agency without prior notice or a public hearing for any of the following reasons:**

**(a) To prevent imminent peril to the public health, safety, or welfare.**  
**(b) To avoid sanctions or penalties from the United States.**  
**(c) To avoid a budget deficit in the case of the medical assistance program.**  
**(d) To secure new or enhanced federal funding.**  
**(e) To effectively administer provisions of law related to the imposition, collection, or administration of taxes when required due to time constraints related to congressional, legislative, or judicial action.**

**(2) It shall not be considered an emergency if the agency is acting in the normal course and scope of fulfilling its mission, failed to take necessary steps in the administration of the agency to avoid an emergency, is promulgating rules to implement an Act of the legislature unless the Act specifically directed the agency to proceed with emergency rulemaking, or is continually republishing existing emergency rules.**

**(3) Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the agency to be not more than sixty days from the date of its adoption, provided written notice is given as required by Subsection B of this Section.**

**(4) An emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless the emergency rule and the reasons for adoption are published in that issue. An emergency rule shall not be effective for a period longer than one hundred eighty days.**

**(5) No emergency rule shall be adopted by an agency more than two consecutive times unless the agency is operating under a state or federal declaration of disaster, a state or federal public health emergency, or an ongoing emergency as authorized by the legislature, governor, or other provision of law. However, the agency may concurrently proceed with the adoption of an identical rule pursuant to the procedure provided for in R.S. 49:953(A).**

**B.(1) No later than five days after the adoption of an emergency rule, the agency shall provide notice in writing of its emergency action along with a copy of the emergency rule. The notice shall contain, at a minimum, all of the following:**

**(a) A preamble which states the specific provision or provisions of Paragraph (A)(1) of this Section the agency is citing as cause for emergency rulemaking and the specific facts and detailed reasoning for emergency rulemaking in order to satisfy the criteria for an emergency rule.**

**(b) The name of the person within the agency who has the responsibility for responding to inquiries about the action.**

**(c) A statement that the intended action complies with the statutory law administered by the agency, including a citation of the enabling legislation.**

**(2)(a) The notice required in Paragraph (1) of this Subsection shall be transmitted to the governor of the state of Louisiana, the attorney general, the speaker of the House of Representatives, the president of the Senate, and the Office of the State Register in accordance with each entity's transmittal policy.**

**(b) No later than five days after the adoption of the emergency rule, the agency shall transmit a copy of the notice required in Paragraph (1) of this Subsection to all persons who have made timely request of the agency for notice of rule changes.**

**(3) The office of the state register may omit from the Louisiana Register any emergency rule which would be unduly cumbersome, expensive, or otherwise inexpedient to print, if the emergency rule in printed or processed form is made available on application to the adopting agency, and if the Louisiana Register contains a notice stating the general subject matter of the omitted emergency rule, the reasons for the finding of the emergency submitted by the agency, and how a copy may be obtained.**

**C. The validity of an emergency rule may be determined in an action for declaratory judgment in the district court of the parish in which the agency is located. The agency shall be made a party to the action. An action for a declaratory judgment under this Section may be brought only by a person to whom such emergency rule is applicable or who would be adversely affected by such emergency rule and only on the grounds that the emergency rule does not meet the criteria for adoption of an emergency rule as provided in Paragraph (A)(1) of this Section. The court shall declare the emergency rule invalid if it finds that there is not sufficient evidence that such emergency rule must be**

**adopted on an emergency basis for one or more of the reasons for adoption of an emergency rule as provided in Subsection A of this Section. Notwithstanding any provision of law to the contrary, the emergency rule shall remain in effect until such declaratory judgment is rendered. The provisions of R.S. 49:963 shall not apply to any action brought pursuant to this Section. The provisions of this Section are in addition to R.S. 49:963 and shall not limit any action pursuant to R.S. 49:963.**

**D.(1) Within sixty days after receipt of the emergency rule and agency notice required in Subsection B of this Section by the presiding officer of either the House of Representatives or the Senate, an oversight subcommittee of either house may individually or jointly conduct a hearing to review the emergency rule and make a determination of whether the emergency rule meets the criteria for an emergency rule set forth in Subsection A of this Section. The oversight subcommittee shall also make the following determinations:**

**(a) Whether the emergency rule is in conformity with the intent and scope of the enabling legislation purporting to authorize the emergency rule.**

**(b) Whether the emergency rule is in conformity with and not contrary to all applicable provisions of law and of the constitution.**

**(c) The advisability or relative merit of the emergency rule.**

**(d) Whether the emergency rule is acceptable or unacceptable to the oversight subcommittee.**

**(2)(a) If within sixty days after receipt of the emergency rule and agency notice required in Subsection B of this Section either the House or Senate oversight committee determines that an emergency rule is unacceptable, the respective subcommittee shall provide a written report which contains the following:**

**(i) A copy of the emergency rule.**

**(ii) A summary of the determinations made by the oversight committee.**

**(b) The written report shall be delivered to the governor, the agency proposing the rule change, and the Louisiana Register no later than four days after the oversight committee makes its determination.**

**(3) If an emergency rule is determined to be unacceptable by an oversight committee, the agency shall not propose a rule change or emergency rule that is the same as or substantially similar to the disapproved emergency rule within four months after issuance of a written report by the subcommittee issued pursuant to this Subsection, nor more than once during the interim between regular sessions of the legislature.**

**E. Within sixty days after adoption of an emergency rule, the governor may review such emergency rule and make the determinations as provided in Subsection D of this Section. If within this time period the governor finds an emergency rule unacceptable, he shall prepare a written report as provided in Paragraph (D)(2) of this Section and transmit copies to the agency proposing the emergency rule and the Louisiana Register no later than four days after the governor makes his determination.**

**F. Upon receipt by the agency of a report issued by the oversight subcommittee or the governor finding an emergency rule unacceptable, the emergency rule shall be nullified and shall be without effect. The governor shall have no authority to disapprove the action taken on an emergency rule by the oversight subcommittee.**

§954. Filing; taking effect of rules  
\* \* \*

**B.(1) Each rule hereafter adopted shall be effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption, except that:**

**(1) If a later date is required by statute or specified in the rule, the later day is the effective date.**

**(2) Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the agency to be not more than sixty days future from the date of its adoption, provided written notice is given within five days of the date of adoption to the governor of Louisiana, the attorney general of Louisiana, the speaker of the House of Representatives, the president of the Senate, and the Office of the State Register as provided in R.S. 49:953(B). Such emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless such rule and the reasons for adoption thereof are published in that issue; however, any emergency rule so published shall not be effective for a period longer than one hundred twenty days, but the adoption of an identical rule under R.S. 49:953(A)(1), (2), and (3) is not precluded. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them. **An emergency rule shall be considered effective pursuant to the provisions of R.S. 49:953.1.****

Section 12. R.S. 56:6.1(B) is hereby amended and reenacted to read as follows:

§6.1. Emergency closure of hunting or fishing seasons; rules and regulations; prohibitions; penalties  
\* \* \*

**B. Any such closure shall be made by an order issued by the secretary in the same manner as the issuance of an emergency rule as provided in R.S. 49:953(B) R.S. 49:953.1. The closure order authorized in this Section shall include a description of the area subject to the closure, indication of the species of fish or wildlife covered by such order, and the reasons for the closure. In addition, the order may include restrictions on hunting or fishing times, bag or creel limits, and harvest restrictions and may alter season opening and closing dates. Upon the issuance of any such order, the possession, sale, barter, trade, or exchange of, or the attempt to possess, sell, barter, trade, or exchange, any species of fish or wildlife contrary to the provisions of the order is prohibited.**



\* \* \*

Section 13. R.S. 49:953(B) is hereby repealed.  
Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 212**

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SENATE BILL NO. 140  
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. 14:130.1(B)(3) and to enact 14:130.1(B)(4), relative to the crime of obstruction of justice; to provide for an exception; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:130.1(B)(3) is hereby amended and reenacted and R.S. 14:130.1(B)(4) is hereby enacted to read as follows:

§130.1. Obstruction of justice

\* \* \*

B. Whoever commits the crime of obstruction of justice shall be subject to the following penalties:

\* \* \*

(3) When the obstruction of justice involves any other criminal proceeding, except as provided in Paragraph (4) of this Subsection, the offender shall be fined not more than ten thousand dollars, imprisoned for not more than five years, with or without hard labor, or both.

(4) When the obstruction of justice is committed as described in Paragraph (A)(1) of this Section and involves any misdemeanor criminal proceeding that does not involve an intentional misdemeanor directly affecting the person, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 213**

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SENATE BILL NO. 146  
BY SENATOR POPE

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

AN ACT

To amend and reenact R.S. 44:36, 39, the introductory paragraph of 411(A) and (A)(2) and (C), and 422, relative to preservation of public records; to provide relative to retention schedules; to provide for source document maintenance and conversion standards; to provide for accessibility of records; to provide for annual designation of records officers; to provide relative to investigations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:36, 39, the introductory paragraph of 411(A) and (A)(2) and (C), and 422 are hereby amended and reenacted to read as follows:

§36. Preservation of records

A. All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified by law for such public records, ~~in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in~~ all instances in which a formal retention schedule has not been executed, where the law does not specify a particular period, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made, except when an agency, as defined in R.S. 44:402, has an approved retention schedule pursuant to Subsection B of this Section. However, where Where copies of an original record exist, the original alone shall be kept; when only duplicate copies of a record exist, only one copy of the duplicate copies shall be required to be kept. Where an appropriate form of the microphotographic process has been utilized to record, file, and otherwise preserve such public records with microforms ~~produced in compliance with the provisions of R.S. 44:415, the microforms shall be deemed considered~~ originals in themselves, as provided by R.S. 44:39(B)(C), ~~and disposition of original documents which have been microphotographically preserved and of duplicates and other copies thereof shall proceed as provided in R.S. 44:411.~~

B. All agencies, as defined in R.S. 44:402, shall keep all records for the time specified in records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State, pursuant to the provisions of R.S. 44:411.

BC. All existing records or records hereafter accumulated by the Department of Revenue may be destroyed after five years from the thirty-first

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

day of December of the year in which the tax to which the records pertain became due; provided that these records shall not be destroyed in any case where there is a contest relative to the payment of taxes or where a claim has been made for a refund or where litigation with reference thereto is pending.

ED. All existing records or records hereafter accumulated by the various services of the state or its subdivisions which participate in federal programs or receive federal grants may be destroyed after three years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

DE. All existing records or records hereafter accumulated by the Department of Public Safety and Corrections, corrections services, pertaining to any adult offender shall be retained and may not be destroyed until after six years from the date the full term sentence imposed upon such offender expires, or six years from the date of death of the offender, whichever occurs first.

EE.(1) The public records of a prosecuting agency, pertaining to a criminal prosecution that results in a conviction, in a manner other than a plea, shall be retained for a period of three years from the date on which a court of appeal affirms the conviction, the Louisiana Supreme Court denies writs, or the Louisiana Supreme Court makes its final ruling on the appeal, whichever occurs last.

(2) The provisions of this Subsection shall not apply to any records expunged as provided by law.

(3) Nothing in this Subsection shall be construed in any manner to affect or alter the provisions of R.S. 44:3 regarding the records of prosecuting agencies.

FG. All existing records or records hereafter accumulated pursuant to R.S. 42:23 shall be preserved and maintained for a period of at least two years from the date on which the public record was made.

\* \* \*

§39. Microfilm and electronic digitized records; use as evidence

A.(+) All persons and public bodies having custody or control of any public records of the state of Louisiana or any of its subdivisions may utilize any appropriate form of the microphotographic process, or an electronic digitizing process capable of reproducing an unalterable and accessible image of the original source document, for the recordation, filing, and preservation of all existing public records, ~~forms, and documents or records, forms, and documents hereafter accumulated which pertain to their functions and operations in order to maintain efficient and economical records management programs and to conserve storage space; provided that the use of such microphotographic or electronic digitizing processes are not otherwise prohibited by law and that all microforms produced comply with standards established by the division of archives, records management, and history of the Department of State in accordance with the provisions of R.S. 44:415.~~

~~(2)(a) However, when electronic digitizing is utilized, the original source document or microfilm of such source document shall be maintained until such time as electronic digitizing is recognized as an acceptable means of records preservation.~~

~~(b) Notwithstanding the provisions of this Subsection, the agencies and entities set forth in this Subparagraph shall not~~ B.(1) All agencies, as defined in R.S. 44:402, shall comply with all document conversion standards established by the division of archives, records management, and history of the Department of State in accordance with the provisions of R.S. 44:415.

(2) All agencies shall be required to maintain the original source document or microfilm thereof when such document has been preserved utilizing electronic digitizing ~~except pursuant to written operating standards providing for retention and back-up schedules in accordance with recognized computer operating practices which at a minimum provide the technical equivalent of back-up copies~~

~~(i)(a) Public safety services within the Department of Public Safety and Corrections.~~

~~(ii)(b) All public retirement systems, plans, and funds.~~

~~(iii) Any further exceptions to the provision to maintain original source documents or microfilm thereof under this Subsection must be~~ (c) Any other agency approved with approval in writing by the state archivist.

BC. Any microfilm or electronically digitized copy, when satisfactorily identified, shall be deemed considered to be an original itself, and shall be admissible in evidence in all courts or administrative proceedings in any agency, whether the original document is in existence or not, and an enlargement or facsimile of a reproduction is likewise admissible in evidence, if the original reproduction is in existence and available for inspection under direction of the court or the administrative agency. Original records shall remain subject to subpoena.

\* \* \*

§411. ~~Selective retention~~ Retention of records; actions for recovery of records

A. The secretary, acting through the state archivist, shall establish standards for the selective retention of records of continuing value, and monitor state and local agencies in the application of such standards to all records in their custody. To facilitate this application:

\* \* \*

(2) The head of each agency shall also submit to the state archivist lists of state records in the custody of that agency which are ~~not~~ no longer required for

\* As it appears in the enrolled bill

THE ADVOCATE

PAGE 17

the transaction of current business and which lack sufficient administrative, legal, or fiscal value to warrant further retention and request that the state archivist authorize appropriate disposal.

\* \* \*

C. To insure that the above enumerated reports and notifications are submitted and implemented, the chief executive officer of each state agency shall designate **annually** a records officer to act as liaison between the division and the agency on all matters relating to records management.

\* \* \*

§422. Safeguards against removal or loss of records

A. The head of each agency of the state or its subdivisions shall establish such safeguards against removal or loss of records as he shall ~~deem~~ **consider** necessary and as may be required by rules and regulations issued under authority of this Chapter. Such safeguards shall include making it known to all officials and employees of the agency that no records are to be alienated or destroyed except in accordance with law and the policies, rules, and regulations developed therefrom by the state archivist and the division, and calling their attention to the penalties provided by law for the unlawful removal or destruction of records.

B. **The secretary of state, acting through the state archivist, may refer any matter to the legislative auditor, inspector general, or attorney general as necessary for investigation relating to any instance of damaging, altering, tampering with, or falsifying records, including but not limited to fraudulent creation, distribution, or filing of records.**

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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 214

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SENATE BILL NO. 147  
BY SENATOR WARD

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

To enact Subpart G-2 of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:210 through 210.7, relative to the operation of personal delivery devices; to provide for the applicability of motor vehicles and traffic regulations; to provide for definitions and terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart G-2 of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:210 through 210.7, is hereby enacted to read as follows:

**SUBPART G-2. PERSONAL DELIVERY DEVICES**

**§210. Definitions**

(1) **“Agent” means a director, officer, employee, or other person authorized to act on behalf of a business entity.**

(2) **“Business entity” means a legal entity, including a corporation, association, partnership, or sole proprietorship, that is formed for the purpose of making a profit.**

(3) **“Nonpedestrian area” shall consist of any divided highway, highway, roadway, or street where the posted speed limit is thirty-five miles per hour or less.**

(4) **“Pedestrian area” means a sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.**

(5) **“Personal delivery device” means a powered device that travels at the speed of twenty miles per hour or less, is less than five hundred pounds, excluding cargo, is manufactured for transporting cargo and goods in a pedestrian area or supplementary areas, and is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human being.**

**§210.1. Applicable law**

A. **The operation of a personal delivery device is governed by the provisions of this Subpart and Federal Aviation Administration airport regulations.**

B. **For the purpose of this Subpart, a personal delivery device operated in compliance with this Subpart shall not be considered a vehicle.**

**§210.2. Operator of personal delivery device**

A. **A person may operate a personal delivery device under this Subpart only if the person is a business entity, and an agent of the business entity is trained and capable to monitor or exercise physical control over the navigation and operation of the device.**

B. **Except as provided by Subsection C of this Section, when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with applicable traffic laws.**

C. **When a personal delivery device operated by a business entity is engaged and an agent of the entity controls the device in a manner that is outside the**

**scope of the agent’s scope of employment, the agent is considered to be the operator of the device.**

**D. A person is not considered to be the operator of a personal delivery device solely because the person requests a delivery or service provided by the device, or dispatches the device.**

**§210.3. Device operation**

**A personal delivery device operated under this Subpart shall:**

(1) **Operate in a manner that complies with any provision under this Chapter that is applicable to pedestrians, unless the provision cannot apply to the device.**

(2) **Yield to or not obstruct the right-of-way to all other lawful traffic, including pedestrian traffic.**

(3) **Not unreasonably interfere with other traffic, including pedestrian traffic.**

(4) **Display the lights required by R.S. 32:301 et seq., if the personal delivery device is operated at night.**

(5) **Comply with any applicable regulations adopted by local authority.**

(6) **Not transport hazardous materials regulated under the Hazardous Materials Transportation Act, pursuant to 49 U.S.C. 5103 and required to be placarded under 49 CFR Part 172, Subpart F.**

(7) **Be monitored or controlled by an agent of the business entity meeting the requirements of R.S. 32:210.2 (A).**

**§210.4. Areas of operation**

**A personal delivery device operated under this Subpart may be operated either:**

(1) **In a pedestrian area at speeds up to twelve miles per hour.**

(2) **At a speed not to exceed twenty miles per hour in a nonpedestrian area, provided that the personal delivery device shall not cross any divided highway, highway, roadway, or street with a posted speed limit in excess of thirty-five miles per hour at an intersection.**

**§210.5. Personal delivery device equipment**

**A. A personal delivery device operated under this Subpart shall:**

(1) **Be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number that is specific to each individual personal delivery device.**

(2) **Be equipped with a braking system that enables the device to come to a controlled stop.**

**B. A personal delivery device operated under this Subpart at night shall be equipped with lights on the front and rear of the device. The lights affixed to the personal delivery device shall be visible under normal atmospheric conditions for up to five hundred feet away from the device.**

**§210.6. Local authority regulation**

A. (1) **Personal delivery devices may be prohibited by local resolutions or ordinances if the local government determines that the prohibition is in the interest of public safety.**

(2) **Personal delivery devices may also be prohibited by airport authorities by resolution or ordinance in the interest of public safety.**

B. **Nothing in this Subpart shall affect the authority of a peace officer to enforce the laws of this state relating to the operation of a personal delivery device.**

**§210.7. Insurance**

**A business entity that operates a personal delivery device under this Subpart shall maintain an insurance policy that includes general liability coverage of not less than one hundred thousand dollars, for damages arising from the operation of the personal delivery device.**

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 of 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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 215

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SENATE BILL NO. 155

BY SENATOR BOUIE AND REPRESENTATIVES GREEN, HUGHES,  
JONES, LYONS, MARCELLE AND SELDERS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 37:2704(A)(1) through (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712, 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and (D), 2721(A), and 2724(B) and to enact R.S. 37:2703(19), 2714(F) and (G), 2715(F), and 2717(A)(13), (G), and (H), relative to the Louisiana Social Work Practice Act; to provide for definitions; to provide for qualifications for the members of the Louisiana State Board of Social Work Examiners; to provide for the officers of the board; to provide for duties of the board; to provide for registered social workers; to provide for licensed clinical social workers; to provide for application for licensure; to provide for licensure of qualified applicants; to provide for renewal of registrations, certificates, and licenses; to provide for the use of the title of social worker; to provide for payment of fees; to provide for the basis of a disciplinary action; to provide for state representation at disciplinary hearings; to provide for cease and desist

orders; to provide for certified social workers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2704(A)(1) through (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712, 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and (D), 2721(A), and 2724(B) are hereby amended and reenacted and R.S. 37:2703(19), 2714(F) and (G), 2715(F), and 2717(A)(13), (G), and (H) are hereby enacted to read as follows:

**§2703. Definitions**

As used in this Chapter, unless the context clearly requires otherwise, and except as otherwise expressly provided:

\* \* \*

**(19) "Social worker" means a person who holds a degree in social work, having successfully completed an undergraduate or graduate level academic social work program.**

**§2704. Board of Social Work Examiners**

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Louisiana Department of Health. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members to include six social workers and one consumer member. The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

(1) One registered social worker with at least ~~five~~ **three** years of social work experience.

(2) One licensed master's social worker with at least ~~five~~ **three** years of social work experience.

(3) Three licensed clinical social workers each with at least ~~five~~ **three** years of clinical social work experience.

\* \* \*

**§2705. Board; meetings; powers**

A. The board shall hold meetings at least semiannually. The board shall elect annually from its membership a ~~chairman~~ **chair**, vice ~~chairman~~ **chair**, and secretary/treasurer. Meetings may be called by the ~~chairman~~ **chair** or upon written request of four members of the board or by the governor. The board shall meet as often as necessary and four members shall constitute a quorum.

\* \* \*

D. The board shall keep a listing of social workers licensed, certified, or registered under this Chapter. ~~At each meeting of the board the listing shall be updated and made available to the general public.~~

\* \* \*

**§2706. Qualifications; registered social worker**

\* \* \*

B. An individual registered as a registered social worker may engage in generalist social work practice based on the application of social work theory, knowledge, ethics, and utilizing problem-solving methods to restore or enhance social functioning of individuals, families, groups, organizations, and communities through assessment, prevention, and intervention and evaluation, case management, information and referral, supportive counseling, advocacy, research, supervision, community organization, **education**, and the implementation and administration of policies, programs, and activities. A social worker at this level shall work as an employee in an agency and shall not engage in advanced practice or in clinical social work.

\* \* \*

**§2708. Qualification; licensed clinical social worker**

A. No individual shall be eligible for licensure by the board as a licensed clinical social worker unless the individual:

\* \* \*

(3) Has completed at least ~~five~~ **three** thousand ~~seven hundred sixty~~ hours of postgraduate social work practice **over a minimum of two years and a maximum of four years while. At least three thousand eight hundred forty hours of the required postgraduate social work experience shall be in a setting practicing social work under the supervision of a board-approved clinical supervisor. The board shall consider circumstances warranting more than four years to complete this experience requirement.**

\* \* \*

**§2709. License, certification, or registration required**

\* \* \*

B. An individual shall ~~submit an~~ **complete all components of the** application **process** for licensure, certification, or registration to the board within ninety days of commencement of social work practice.

\* \* \*

§2712. Licensure, certification, or registration by reciprocity or endorsement of credentials

~~The board may issue licenses, certificates, or registrations under the following special conditions:~~

~~(1) The board may issue a license as a licensed clinical social worker or issue a license as a licensed master's social worker without examination,~~

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

~~on payment of the prescribed fee, to an applicant for licensure who is the equivalent of a licensed clinical social worker or a licensed master's social worker, respectively, licensed under another state, territory, commonwealth, or District of Columbia when:~~

~~(a) The requirements for licensure are at the date of licensure substantially equal to the requirements then or subsequently in force in this state.~~

~~(b) The state, territory, commonwealth, or District of Columbia from which the applicant for a license comes, accords similar privilege or licensure without examination to holders of licenses under this Chapter.~~

~~(c) The state, territory, commonwealth, or District of Columbia from which the applicant for a license comes, requires successful completion of an examination as a condition of such licensure.~~

~~(2) The board may certify or register as a certified social worker or a registered social worker, respectively, an applicant for certification or for registration who is the equivalent of a certified social worker or a registered social worker, respectively, certified or registered under another state, territory, commonwealth, or District of Columbia when the requirements for certification or registration are at the date of certification or registration substantially equal to the requirements then or subsequently in force in this state and when the state, territory, commonwealth, or District of Columbia from which the applicant for certification or registration comes, accords similar privilege or certification or registration to holders of certificates or registration under this Chapter.~~

**A. Any social worker from another state, territory, commonwealth, or the District of Columbia seeking authority to practice in this state through reciprocity or endorsement of credentials shall comply with the following:**

**(1) Be credentialed and in good standing with their respective social work regulatory board or agency based on substantially equivalent educational, supervision, and examination requirements for a Louisiana licensed clinical social worker, licensed master's social worker, certified social worker, or registered social worker.**

**(2) Pass an open-book examination on the Louisiana Social Work Practice Act including all applicable laws and rules, regulations, standards, and procedures adopted by the board.**

**(3) Pay the fee prescribed by the board.**

**B. If the board determines that a state, territory, commonwealth, or the District of Columbia does not have credentialing requirements that are substantially equivalent to those required by this state for the issuance of a social work license, certificate, or registration, the board may require the social worker to obtain the requisite educational, supervision, and examination requirements pursuant to the applicable provisions of the Louisiana Social Work Practice Act.**

§2713. License, certificate, registration

The board shall issue a license, certificate, or registration signed by the ~~chairman~~ **chair** and vice ~~chairman~~ **chair** of the board whenever an applicant for certification, licensure, or registration successfully qualifies therefor as provided in this Chapter.

§2714. Continuing education and license, certificate, and registration renewal

\* \* \*

B. In addition to the continuing education requirements set out in Subsection A of this Section, each license, certificate, provisional certificate, or registration issued under the provisions of this Chapter shall be renewed annually except as otherwise provided. On or before July first of each year, the board shall ~~mail an application~~ **send notice** for renewal of a license, certificate, or registration to each person to whom a license, certificate, or registration was issued or renewed during the current year, ~~which application shall be mailed to the most recent address of said person as it appears on the records of the board. Such person shall complete the renewal application and pay the renewal fee return it to the board accompanied by such renewal fee as is required by the board before August thirty-first of the year in which said application the notice was received. Upon receipt of any application and fee, the board shall verify the accuracy of such the application and issue to the applicant a notice of renewal of update~~ the license, certificate, or registration for the current year, beginning September first and expiring August thirty-first.

C. If any person fails to renew his or her license, certificate, or registration by August thirty-first, such license, certificate, or registration shall lapse. ~~Failure to fulfill these requirements shall cause the license, certificate, or registration to lapse, and any Any application for renewal will shall be declined until the continuing education requirements have been met. If a social worker fails to complete the continuing education requirements by June thirtieth renew by August thirty-first~~ of each year, at the licensed, certified, or registered level, he may ~~shall~~ not practice social work. ~~Renewal of a license, certificate, or registration which has lapsed for three months or less may be effected upon submission to the board of a renewal application accompanied by such renewal fee as is required by the board. Renewal of a license, certificate, or registration which has lapsed for a period in excess of three months but less than six months or less may be effected upon submission to the board of a renewal application accompanied by a fee which shall be twice the amount of the normal renewal fee specified by the board. If a license, certificate, or registration is allowed to lapse for six months or longer, the applicant for the license, certificate, or registration shall be considered a new applicant subject to appropriate provisions of this Chapter including the reinstatement provisions of this Section.~~

**D. If any license, certificate, or registration is lapsed for at least six months but not more than sixty months, the applicant for the license, certificate, or**

\* As it appears in the enrolled bill

**registration shall submit proof of completion of twenty hours of approved social work continuing education and pass the board exam on the Louisiana Social Work Practice Act and rules, standards, and procedures prior to reinstatement. Continuing education requirements for LCSW applicants shall include at least ten hours of clinical content and three hours of ethics training. Continuing education requirements for LMSW and RSW applicants shall include at least three hours of ethics training.**

**E. If any license, certificate, or registration is lapsed for more than sixty months, the applicant for license, certificate, or registration shall submit proof of completion of forty hours of approved social work continuing education and pass the board exam on the Louisiana Social Work Practice Act and the rules, standards, and procedures prior to reinstatement. Continuing education requirements for LCSW applicants shall include at least twenty hours of clinical content and three hours of ethics training. Continuing education requirements for LMSW and RSW applicants shall include at least three hours of ethics training.**

~~D-F.~~ The board shall have the authority to grant continuing education waivers for declared emergencies. In response to a disaster or emergency declared by the governor of the state of Louisiana, continuing education units required for renewal of a license may be waived by the board.

~~E-G.~~ The board shall have the authority to grant continuing education extensions for extenuating circumstances. In response to an extenuating circumstance, the time frame mandated to complete continuing education units required for renewal of a license may be extended by the board.

§2715. Rights and privileges

\* \* \*

**F. No individual shall assume the title "social worker" until that person has successfully completed an undergraduate academic social work program or a graduate level academic social work program.**

§2716. Fees

\* \* \*

B. The fees established under the provisions of this Section shall be paid to the ~~secretary-treasurer~~ of the board. The board shall retain all fees and other monies received by it. ~~Such funds~~ **Funds** may be expended by the board without appropriation for cost of administration and other expenses. Additionally, ~~such funds~~ may be used for the establishment and operation of continuing education programs relating to the practice of social work and supervision of social work practice. Any funds remaining unexpended and unencumbered at the end of each fiscal year shall be retained by the board for expenditure in succeeding years and no part thereof shall revert to the state general fund.

\* \* \*

§2717. Disciplinary action; hearing; procedures; appeal

A. The board shall have the power to deny, revoke, or suspend any license, certificate, or registration issued by the board or applied for in accordance with this Chapter, or otherwise discipline a social worker for any of the following causes:

\* \* \*

~~(2) Incapacity or impairment due to the use of drugs or intoxicating beverages to an extent which affects his professional competence. that prevents the social worker from engaging in the practice of social work with reasonable skill, competence, and safety to the public.~~

\* \* \*

**(13) Practicing social work with a lapsed license, certificate, or registration.**

\* \* \*

D. No license, certificate, or registration shall be suspended or revoked until a hearing is held before the board, after notice of at least thirty days to the social worker. The notice shall be served by registered mail, return receipt requested, shall state the date, time, and place of the hearing, and shall set forth the ground or grounds of the charges against the social worker. The social worker has a right to present his own defense either in proper person or by counsel, to produce testimony, and to testify in his own behalf. A record of the hearing shall be taken and preserved. The record shall contain the notice, documents, and data filed in the proceedings; all statements of the board pertinent thereto; ~~and~~ the testimony, exhibits, and the written findings of fact and orders of the board. ~~The state of Louisiana shall be a party to the prosecution of all such actions and hearings before the board pertaining to the suspension or revocation of a license, certificate, or registration; and the attorney general shall appear in behalf of the state.~~ The hearing may be adjourned from time to time. If the social worker pleads guilty, or if upon hearing the charges the majority of the board finds them true, the board may enter an order suspending or revoking the license, certificate, or registration or imposing probationary conditions.

\* \* \*

**G. The board may in its own name issue a cease and desist order to stop an individual from engaging in an unauthorized practice or violating or threatening to violate a statute, rule, or order which the board has issued or is empowered to enforce. The cease and desist order shall state the reason for its issuance and notice of the individual's right to request a hearing under applicable procedures as set forth in the Administrative Procedure Act. Nothing in this Subsection shall be construed as barring criminal prosecutions for violations of this Chapter.**

**H. Any individual whose license, certificate, or registration has been revoked or suspended shall return the license, certificate, or notice of registration to the office of the board no later than ten calendar days after receipt of a notice of revocation or suspension.**

\* As it appears in the enrolled bill

§2721. Injunctive proceedings

\* \* \*

~~A. The board may, in the name of the people of the state of Louisiana, through the attorney general apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by the provisions of this Chapter.~~

\* \* \*

§2724. Qualification; certified social worker

\* \* \*

~~B. The board may issue a social worker certificate to an individual who has completed all requirements for certification as a certified social worker. The individual may hold the certificate for no more than three years from the issuance of the original certificate, and the individual shall take an examination approved by the board within the first six months after certification and annually for the next two and a half years or until they have achieved a passing score.~~

\* \* \*

Section 2. 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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 216

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SENATE BILL NO. 162  
BY SENATOR HENRY

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

AN ACT

To amend and reenact R.S. 51:2365.1(A)(5) and to enact R.S. 51:2365.1(B)(4), relative to the Major Events Incentive Program and the Major Events Incentive Program Subfund; to redefine qualified event; to provide for uses of fund monies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2365.1(A)(5) is hereby amended and reenacted and R.S. 51:2365.1(B)(4) is hereby enacted to read as follows:

§2365.1. Major Events Incentive Program and the Major Events Incentive Program Subfund

A. As used in this Section:

\* \* \*

(5) "Qualified event" or "qualified major event" means a National Football League Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the X Games, a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason ~~playoff or championship~~ game, a college tournament or championship, the World Games, a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, a mixed martial arts championship, the Breeders' Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull Signature Series, a National Collegiate Athletic Association football kickoff game, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, the United States Bowling Congress Tournament, the WWE WrestleMania, the Bayou Classic, the Essence Festival, the Zurich Classic, a national military event, a national political convention of the Republican National Committee or of the Democratic National Committee, or any National Collegiate Athletic Association conference, convention, or conference media event, including conference media days. The term includes any activities related to or associated with a qualified event.

\* \* \*

B.

\* \* \*

**(4) Monies in the fund shall be appropriated and used to provide funding for entities within the state for the costs associated with attracting, hosting, and staging major events of areawide, statewide, regional, national, or international prominence. Such funding shall require prior approval of the Joint Legislative Committee on the Budget.**

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 217

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SENATE BILL NO. 181  
BY SENATOR BOUDREAUX

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

AN ACT

To amend and reenact R.S. 22:1068(D)(3), 1074(D)(3), and 1964(15)(a)(ii), relative to health insurance; to provide for the guaranteed renewability of health insurance coverage; to authorize the modification of drug coverage under certain circumstances; to provide for unfair methods, acts, or practices by health insurers against certain pharmacies and pharmacists; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1068(D)(3), 1074(D)(3), and 1964(15)(a)(ii) are hereby amended and reenacted to read as follows:

§1068. Guaranteed renewability of coverage for employers in the group market

\* \* \*

D. A health insurance issuer may modify health insurance coverage offered to a group health plan if each of the following conditions is met:

\* \* \*

(3) The issuer notifies, on a form approved by the Department of Insurance, each affected covered small or large employer and enrollee of the modification, including modification of coverage of a particular product or modification of drug coverage, not later than the sixtieth day before the date the modification is effective. **Notwithstanding the requirements of Paragraph (1) of this Subsection, modification of drug coverage for any drug increasing over three hundred dollars per prescription or refill with an increase in the wholesale acquisition cost of at least twenty-five percent in the prior three hundred sixty-five days may occur at any time provided that thirty-day notice of the modification of coverage is given. The thirty-day notice of modification of coverage shall include information on the issuer's process for an enrollee's physician to request an exception from the issuer's modification of drug coverage for purposes of continuity of care of the patient.**

\* \* \*

§1074. Guaranteed renewability of individual health insurance coverage

\* \* \*

D. A health insurance issuer may modify the health insurance coverage for a policy form offered to individuals in the individual market if each of the following conditions is met:

\* \* \*

(3) The issuer notifies, on a form approved by the Department of Insurance, each affected individual of the modification, including modification of coverage of a particular product or modification of drug coverage, not later than the sixtieth day before the date the modification is effective. **Notwithstanding the requirements of Paragraph (1) of this Subsection, modification of drug coverage for any drug increasing over three hundred dollars per prescription or refill with an increase in the wholesale acquisition cost of at least twenty-five percent in the prior three hundred sixty-five days may occur at any time provided that thirty-day notice of the modification of coverage is given. The thirty-day notice of modification of coverage shall include information on the issuer's process for an enrollee's physician to request an exception from the issuer's modification of drug coverage for purposes of continuity of care of the patient.**

\* \* \*

§1964. Methods, acts, and practices which are defined as unfair or deceptive. The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(15)(a) The issuance, delivery, issuance for delivery, or renewal of, or execution of a contract for, a health benefits policy or plan which:

\* \* \*

(i) Denies a pharmacy **licensed and physically located in the state** or a pharmacist **licensed in the state** the right to participate as a contract provider of pharmaceutical services or pharmaceutical products under the policy or plan, or under a pharmacy network established by the policy or plan, if the pharmacy or pharmacist agrees in writing to provide pharmaceutical services and pharmaceutical products that meet all the terms and requirements, including the same administrative, financial, and professional conditions and a minimum contract term of one year, if requested, which apply to pharmacies and pharmacists which have been designated as providers under the policy or plan or as participating providers in a pharmacy network established by the policy or plan.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 218**

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SENATE BILL NO. 194  
BY SENATOR BOUDREAUX

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

To amend and reenact R.S. 40:2116(D)(2) and (K), relative to facility need review; to provide for an extension of the moratorium on the approval of additional beds for nursing facilities; to provide for an exemption if there

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

is no increase in existing nursing home beds; to provide for nursing home beds in alternate use; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2116(D)(2) and (K) are hereby amended and reenacted to read as follows:

§2116. Facility need review

\* \* \*

D.

(2) The Louisiana Department of Health shall implement a moratorium on additional beds for nursing facilities. The Louisiana Department of Health shall not approve any additional nursing facilities or additional beds in nursing facilities through facility need review. This prohibition shall apply only to applications for new beds not approved prior to July 1, 1996. The prohibition shall become enforceable on July 1, 1996, and shall remain in effect until July 1, ~~2022~~ **2027**. This prohibition shall not apply to the replacement of existing facilities, provided that there is no increase in existing nursing home beds at the replacement facility.

\* \* \*

K. The department shall adopt a rule to allow a nursing home located in a service area which has less than ninety-three percent occupancy to temporarily convert a number of licensed beds to an alternate use. The beds may be converted for alternate health care use until such time as the average annual occupancy in the service area exceeds ninety-three percent and an adjoining service area exceeds ninety-three percent based on the department's LTC-2 Report and the facility is notified of the same. The facility shall then either re-license the beds as nursing home beds within one year of receipt of the notice from the department, or the beds will be deemed expired. Nothing herein shall be construed to preclude nursing homes from taking beds out of alternate use at any time and using them as licensed beds unless deemed expired. The prohibition contained in Paragraph (D)(2) of this Section shall not apply to ~~certain~~ nursing **home** beds in alternate use. ~~Any nursing home bed in alternate health care use as of August 15, 2006, may be voluntarily taken out of alternate use and re-licensed as a nursing home bed, unless those beds are otherwise deemed expired, revoked, or surrendered.~~

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 219**

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SENATE BILL NO. 207  
BY SENATOR WHITE

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

To enact R.S. 38:2212(A)(1)(c) and R.S. 48:252(I), relative to public contracts; to provide relative to applicability to contracts of the Department of Transportation and Development; to provide for information required by bidding documents; to provide for acknowledgment of compliance with subpoenas from the Louisiana Legislature and its committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(A)(1)(c) is hereby enacted to read as follows:

§2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions; **subpoena**

\* \* \*

A.(1)

**(c) The provisions of this Section shall not apply to the Department of Transportation and Development contracts.**

\* \* \*

Section 2. R.S. 48:252(I) is hereby enacted to read as follows:

§252. Advertisement for bids; public presentment and reading of bids; fee for bid proposals

\* \* \*

**(I) All contracts of the department shall contain provisions that require a contractor to agree to comply with a subpoena issued by the Louisiana Legislature or any of its committees.**

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 220**

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SENATE BILL NO. 210  
BY SENATOR FOIL

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

To amend and reenact R.S. 32:1253(A)(3)(a) and R.S. 51:1941(3) and (6), 1943(A), and the introductory paragraph of 1944(A), to enact Part IV-A of Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 21**

of R.S. 32:1270.31 through 1270.41, and to repeal R.S. 51:1948(E), relative to recreational vehicle warranties; to provide for the function of certain appointed members of the Louisiana Motor Vehicle Commission; to provide relative to recreational vehicle warranties; to provide for definitions; to provide for the powers and duties of the Louisiana Motor Vehicle Commission; to provide relative to dealer responsibility; to provide relative to the manufacturer's duty to repair for nonconformity; to provide relative to consumer remedies; to provide for exclusiveness of consumer remedies, warranties, and preemptive periods relative to recreational vehicles; to provide for attorney fees; to revise the definition of "motor vehicle" relative to motor vehicle warranties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1253(A)(3)(a) is hereby amended and reenacted and Part IV-A of Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:1270.31 through 1270.41, is hereby enacted to read as follows:

§1253. Motor Vehicle Commission; appointment and qualifications of members; terms of office; organization; oath; official bond; compensation; powers and duties

A. The Louisiana Motor Vehicle Commission is hereby created within the office of the governor and shall be composed of eighteen members appointed by the governor, as follows:

\* \* \*

(3)(a) Each of the three remaining appointive members shall be a public member who is not a licensee under this Chapter and shall be appointed from the state at large. These three commissioners shall have the sole function of hearing and deciding matters concerning brokers and disputes between manufacturers, distributors, converters, motor vehicle lessor franchisors, or representatives and motor vehicle dealers, recreational products dealers, specialty vehicle dealers, and motor vehicle lessors, and hearings pursuant to R.S. 32:1270.31 et seq.

\* \* \*

#### **PART IV-A. RECREATIONAL VEHICLE WARRANTIES**

##### **§1270.31. Short title**

This Part shall be known as and may be cited as the "New Recreational Vehicle Warranty Act".

##### **§1270.32. Definitions**

The following words, terms, and phrases, when used in this Part, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) "Collateral costs" means sales tax, license fees, registration fees, and any similar government charges.

(2) "Commission" means the Louisiana Motor Vehicle Commission.

(3) "Consumer" means:

(a) The purchaser, other than for purposes of a resale, of a new recreational vehicle normally used for personal, family, or household purposes and subject to a manufacturer's express warranty.

(b) A person, other than for purposes of a resale, to whom a recreational vehicle is transferred during the term of an express warranty applicable to the recreational vehicle.

(c) Any other person entitled to enforce the recreational vehicle warranty.

(4) "Dealer" means a person who holds a license from the commission authorized by the manufacturer to service the items in a recreational vehicle warranted by the manufacturer, who is actively engaged in the business of buying, selling, or exchanging new recreational vehicles at retail, and who has an established place of business.

(5) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles recreational vehicles or the chassis for recreational vehicles.

(6) "Manufacturer's express warranty" and "warranty" mean the written warranty issued by the manufacturer.

(7) "Nonconformity" means any specific or generic defect or condition which substantially impairs the use, market value, or both of a new recreational vehicle.

(8) "Out of service" means the days a recreational vehicle is not able to be used but does not include routine maintenance days.

(9) "Recreational vehicle" means a motorized or towable vehicle, sold in this state, that provides temporary living quarters for travel, recreation, and camping. For purposes of this Part, a "recreational vehicle" includes a motor home, a travel trailer, a fifth-wheel travel trailer, a folding camper trailer, a slide-in truck camper, and a park model trailer.

§1270.33. Commission; powers and duties; nonconformity notices; hearings; records

A. The commission is hereby vested with the powers and duties necessary to enable it to fully and effectively carry out the provisions and objectives of this Part and to adopt rules, regulations, and forms in accordance with the Administrative Procedure Act to accomplish the purposes of this Part. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any other power or authority of the commission.

B. The powers and duties of the commission shall include but are not limited to the following:

(1) Receive complaints of a recreational vehicle nonconformity to warranty from consumers.

(2) Keep records of consumer complaints of a nonconformity related to recreational vehicle warranty defects.

(3) Notwithstanding the provisions of R.S. 32:1253(A)(3)(b), schedule hearings

on consumer complaints of a nonconformity before the commission's three appointed members pursuant to R.S. 32:1253(A)(3)(a).

C. The commission may collect costs to defray the expense of administering the requirements of this Part as authorized by R.S. 32:1260.

##### **§1270.34. Manufacturers' duty to repair; nonconformity**

If a new recreational vehicle does not conform to the manufacturer's express warranty, and the consumer reports the nonconformity to the manufacturer, or any of its authorized recreational vehicle dealers, and makes the recreational vehicle available for repair before the expiration of the warranty, or not later than one year after the date of original delivery of the recreational vehicle to the consumer, the manufacturer, its agent, or its authorized dealer shall make repairs that are necessary to conform the vehicle to the manufacturer's express warranty, notwithstanding the fact that the repairs are made after the expiration of the warranty term or the one-year period.

##### **§1270.35. Express warranties; time limit to conform**

A.(1) It shall be presumed that a reasonable number of attempts have been undertaken to conform a recreational vehicle to the applicable express warranty if the vehicle is out of service by reason of repair for a cumulative total of ninety or more calendar days, or the same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer, within the warranty term, or not later than one year from the date of original delivery of the new recreational vehicle to the consumer.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, the consumer shall provide written notification of the need to repair the nonconformity to the manufacturer and the commission, and either of the following:

(i) Evidence of a cumulative total of at least ninety days of the recreational vehicle being out of service within the warranty term.

(ii) Evidence that the same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer, within the warranty term, or not later than a period of one year from the date of original delivery of the new recreational vehicle to the consumer.

(b) The manufacturer shall respond to the consumer not later than ten business days after receipt of the consumer's written notification of a nonconformity as to when and where the recreational vehicle may be delivered for a final repair attempt. The repair facility shall be one that is authorized by the manufacturer to perform the necessary warranty work.

(c) The repair facility shall have ten business days from the date of delivery of the recreational vehicle to the facility to complete repairs using replacement parts and thirty calendar days from the date of delivery of the recreational vehicle to the facility to complete structural repairs to conform the recreational vehicle to the applicable warranty. The time periods provided in this Paragraph may be extended only if the consumer authorizes the extension in writing.

(3) If a manufacturer fails to respond to the consumer or to perform the repairs within the time periods provided in Paragraph (2) of this Subsection, the manufacturer shall be considered to have waived his rights to a final attempt to cure the nonconformity.

B. The duration of an express warranty shall be extended by any period of time during which repair services are not available to the consumer because of war, pandemic, invasion, strike, fire, flood, or natural disaster.

C. The provisions of Subsection A of this Section shall be suspended for any period of time during which repair services cannot be performed by the manufacturer, its agents, or authorized dealer, because of war, pandemic, invasion, strike, fire, flood, or natural disaster.

##### **§1270.36. Recreational vehicle replacement or refund**

A. If the commission determines a nonconformity in a recreational vehicle has not been repaired within the time periods provided in R.S. 32:1270.35, the manufacturer shall either:

(1) Replace the recreational vehicle with a comparable new recreational vehicle.

(2) At the manufacturer's option, accept return of the recreational vehicle and refund the full purchase price, and any amounts paid by the consumer at the point of sale, and all collateral costs, less a reasonable allowance for use by the consumer, or any holder of a perfected security interest in the recreational vehicle, as their interest may appear, if the transaction was a sale. Refunds shall be made to the consumer and lienholder of record, if any, as their interests may appear.

B. A reasonable allowance for use by the consumer shall be determined by the commission and shall be that amount directly attributable to use by the consumer prior to his first written notice of a nonconformity to the manufacturer, agent, or dealer, and during any subsequent period when the vehicle was not out of service by reason of repair.

C. The consumer shall have no more than one hundred eighty days after the end of the express warranty term to file a complaint with the manufacturer and the commission to force compliance with the provisions of this Section.

##### **§1270.37. Attorney fees**

If the commission's decision on nonconformity is appealed by either party, the court may award reasonable attorney fees to the prevailing party on appeal.

##### **§1270.38. Transfer of title; time limitation**

Upon receipt of the comparable new recreational vehicle or refund pursuant to R.S. 32:1270.36, the consumer shall surrender the recreational vehicle subject to the nonconformity to the manufacturer together with the certificate of title with all endorsements necessary to transfer title to the manufacturer. The manufacturer shall provide the consumer with a comparable new recreational vehicle or refund no later than thirty days after receipt of an offer to transfer title in compliance with this Section by the consumer, or no later than thirty

days after a decision by the commission.

**§1270.39. Mandatory disclosure of a nonconformity to warranty by sellers**

**A.(1) Upon the sale or transfer of title by a manufacturer, its agent, or any dealer of any second-hand recreational vehicle, previously returned to a manufacturer for nonconformity to its warranty pursuant to the requirements of this Part, the manufacturer shall execute an instrument in writing on a form prescribed by the commission setting forth the following information in ten point, all capital type, and deliver to the buyer:**

**“IMPORTANT: THIS RECREATIONAL VEHICLE WAS RETURNED TO THE MANUFACTURER OR DEALER BECAUSE IT DID NOT CONFORM TO ITS WARRANTY AND THE DEFECT OR CONDITION WAS NOT FIXED WITHIN THE TIME PROVIDED BY LOUISIANA LAW.”**

**(2) Notice that a recreational vehicle was returned to the manufacturer because it did not conform to its warranty shall also be conspicuously printed on the recreational vehicle’s certificate of title.**

**B. The failure of a manufacturer to deliver the instrument required by this Section shall constitute a violation of this Part and is punishable by a fine of not less than five hundred dollars nor more than one thousand dollars for each violation.**

**§1270.40. Notification of nonconformity remedy; dealer responsibility**

**Prior to or during the delivery of the recreational vehicle to the consumer, the dealer shall inform the consumer in writing of the remedy for a nonconformity defect as provided in this Part.**

**§1270.41. Exclusiveness**

**This Part provides exclusive remedies, warranties, and preemptive periods as between the manufacturer, dealer, and consumer, relative to nonconformity defects as defined in this Part, and no other provisions of law relative to recreational vehicle warranties and redhibitory vices and defects shall apply. Nothing herein shall be construed to affect or limit any warranty of title.**

Section 2. R.S. 51:1941(3) and (6), 1943(A), and the introductory paragraph of 1944(A) are hereby amended and reenacted to read as follows:

**§1941. Definitions**

The following definitions apply when used in this Chapter:

\* \* \*

(3) “Dealer” means a person authorized by the manufacturer and actively engaged in the business of buying, selling, or exchanging new automobiles, new personal watercraft, or new all-terrain vehicles, or new motor homes at retail and who has an established place of business.

\* \* \*

(6) “Motor vehicle” means a passenger motor vehicle or a passenger and commercial motor vehicle as defined in R.S. 32:1252(13), sold in this state on or after September 1, 1984. “Motor vehicle” shall include a personal watercraft as defined in R.S. 34:855.2 and an all-terrain vehicle as defined in R.S. 32:771(1) ~~32:1252~~, sold in this state or still under warranty on or after August 15, 1999, which is used exclusively for personal and not commercial purposes. “Motor vehicle” shall include the chassis and drive train of a motor home as defined in R.S. 32:1252(12), sold in this state or still under warranty on or after August 15, 1999, which is used exclusively for personal and not commercial purposes. For the purposes of this Chapter, the following motor vehicles are excluded:

- (a) Motor vehicles, except for motor homes, 10,000 GVW or above.
- (b) Motor vehicles used exclusively for commercial purposes.

\* \* \*

**§1943. Express warranties; time limit to conform**

A.(1) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if the vehicle is out of service by reason of repair for a cumulative total of forty-five or more calendar days or the same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer within the warranty term or during a period of one year following the date of the original delivery of the motor vehicle to the consumer, whichever is the earlier date.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, in the case of a motor home, the consumer shall provide written notification to the manufacturer of any of the following:

- (i) The need to repair the nonconformity;
- (ii) Evidence of a cumulative total of at least ninety days of the motor home being out of service;

(iii) Evidence that the same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer within the warranty term or during a period of one year following the date of the original delivery of the motor vehicle to the consumer, whichever is the earlier date.

(b) Upon such notification, the manufacturer shall have a final attempt to repair the vehicle. The manufacturer shall have five business days upon receipt of such notification to respond to the consumer as to where the motor home may be delivered for repair. The repair facility shall be one which is authorized by the manufacturer to perform the necessary warranty work.

(c) Once delivered, the repair facility shall have ten business days within which to conform the vehicle to the applicable warranty. The time periods provided for in this Paragraph may only be extended if the consumer authorizes such extension in writing.

(3) If a manufacturer fails to respond to the consumer or to perform the repairs within the time periods described in Paragraphs (1) and (2) of this Subsection, such manufacturer shall be deemed **considered** to have waived his rights to a final attempt to cure the nonconformity.

\* \* \*

**§1944. Motor vehicle replacement or refund**

A. If a nonconformity in a motor home has not been repaired within the time periods provided for in R.S. 32:1943(A)(2), or if after four or more attempts within the express warranty term or during a period of one year following the date of the original delivery to the consumer of a motor vehicle which is not a motor home, whichever is the earlier, the nonconformity has not been repaired or if the vehicle is out of service by reason of repair for a cumulative total of ~~ninety~~ **forty-five** or more calendar days during the warranty period, the manufacturer shall:

\* \* \*

Section 3. R.S. 51:1948(E) is hereby repealed in its entirety.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 221

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SENATE BILL NO. 227  
BY SENATOR BARROW  
AN ACT

To enact R.S. 33:2740.67.1, relative to economic development in East Baton Rouge Parish; to create and provide for the Plank Road Business Economic Development District within such parish; to provide for boundaries, the governance, powers, duties, and plans of the district; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.67.1 is hereby enacted to read as follows:

**§2740.67.1. Plank Road Business Economic Development District**

**A. Creation. The Plank Road Business Economic Development District, referred to in this Section as the “district”, is hereby created in the parish of East Baton Rouge. The district shall be a political subdivision of the state created for the purpose of developing the area included within the district in order to provide for substantial economic activity and employment opportunities.**

**B. Boundaries. A portion of the City of Baton Rouge, Louisiana, beginning at the point of intersection of north right-of-way line of Foss Street and east right-of-way line of Scenic Highway; thence northerly along the east right-of-way line of Scenic Highway to the intersection of the north boundary of Lot 1-A of the Grand-Odom Tract; thence southeasterly along the north boundary of said Lot 1-A to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Lot 1 of Bellevalle; thence continue northwesterly along the south boundary of said Lot 1 and Lot 13 of Bellevalle to the intersection of the west boundary of said Lot 13; thence continue northerly along the west boundary of said Lot 13 and across Bellvale Street to the intersection of the north right-of-way line of Bellvale Street; thence northwesterly along the north right-of-way line of Bellvale Street to the intersection of the east right-of-way line of Scenic Highway; thence northerly along the east right-of-way line of Scenic Highway to the intersection of the south right-of-way line of Cherry Street; thence northeasterly along the south right-of-way line of Cherry Street to the intersection of the east right-of-way line of Pocahontas Street; thence northerly along the east right-of-way line of Pocahontas Street to the intersection of the north boundary of Lot 18 of Suburb Istrouma, Block 3; thence continue easterly along the north boundary of Lot 18 and 19 of Suburb Istrouma, Block 3 to the intersection of the west right-of-way of Interstate 110; thence turning approximately 66 degrees to the left and across Interstate 110 to the intersection of the east right-of-way of Interstate 110 and south boundary of Lot 3 Remnant of Ricaud; thence easterly along the south boundary of said Lot 3 Remnant to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Tract H-1 of Suburb Istrouma, Block 7; thence westerly along the south boundary of said Tract H-1 to the intersection of the east right-of-way line of Hiawatha Street; thence northerly along the east right-of-way line of Hiawatha Street to the intersection of the south right-of-way line of Shawnee Street; thence easterly along the south right-of-way line of Shawnee Street a distance approximately 143 feet; thence turning approximately 71 degrees to the left and across Shawnee Street to the intersection of the north right-of-way line of Shawnee Street; thence easterly along the north right-of-way line of Shawnee Street to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Lot 5-A of Suburb Istrouma, Block 14; thence westerly along south boundary of said Lot 5-A to the intersection of the west boundary of said Lot 5-A; thence continue northerly along the west boundary of Lots 5-A and 7-A of Suburb Istrouma, Block 14 to the intersection of the north boundary of said Lot 7-A; thence easterly along the north boundary of said Lot 7-A to the intersection of the west boundary of Lot 9 of Istrouma, Block 14; thence continue northeasterly along the west boundaries of Lots 9 and 10 of Suburb Istrouma, Block 14 and across Madison Avenue to the intersection of the north right-of-way line of Madison Avenue; thence easterly along the north right-of-way line of Madison Avenue to the intersection of the west boundary of Lot B of Suburb Istrouma, Block 15; thence northerly along the west boundary of said Lot B to the intersection of the intersection of the north boundary of said Lot B; thence easterly along the north boundary of Lot B to the intersection of**

the east boundary of Lot 7 of Suburb Istrouma, Block 15; thence northeasterly along the east boundary of said Lot 7 to the intersection of the south right-of-way line of Adams Avenue; thence turning approximately 13 degrees to the right and across Adams Avenue to the intersection of north right-of-way line of Adams Avenue and southeast boundary Lot 10-A of Suburb Istrouma, Block 22; thence westerly along the north right-of-way line of Adams Avenue to the intersection of the west boundary of Lot 11 of Suburb Istrouma, Block 21; thence continue north along the west boundaries of Lots 11 and 10 of Suburb Istrouma, Block 21 to the intersection of the south boundary of Lot 14 of Suburb Istrouma, Block 21; thence westerly along the south boundary of said Lot 14 to the intersection of the east right-of-way line of Hiawatha Street; thence continue northerly along the east right-of-way line of Hiawatha Street, across Monroe Avenue and CN Rail to the intersection of the centerline of Choctaw Drive; thence easterly along the centerline of Choctaw Drive a distance approximately 560 feet; thence turning approximately 92 degrees to the left and across Choctaw Drive to the intersection of the north right-of-way line of Choctaw Drive and east right-of-way line of Osceola Street; thence northerly along the east right-of-way line of Osceola Street to the intersection of the south right-of-way line of Seneca Street; thence easterly along the south right-of-way line of Seneca Street to the intersection of the west boundary of Lot 25 of Suburb Istrouma, Block 23; thence southerly, easterly and northerly along the west, south and east boundaries of said Lot 25 to the intersection of the south right-of-way line of Seneca Street; thence easterly along the south right-of-way line of Seneca Street a distance approximately 117 feet; thence turning approximately 86 degrees to the left and across Seneca Street to the intersection of the north right-of-way line of Seneca Street and east right-of-way line of Wenonah Street; thence northerly along the east right-of-way line of Wenonah Street to the intersection of the south right-of-way line of Iroquois Street; thence easterly along the south right-of-way line of Iroquois Street a distance approximately 129 feet; thence turning approximately 93 degrees to the left and across Iroquois Street to the intersection of the north right-of-way line of Iroquois Street and west boundary of Lot 9 of Suburb Istrouma, Block 34; thence continue northerly along the west boundaries of Lots 9 and 21 of Suburb Istrouma, Block 34 to the intersection of the south right-of-way line of Chippewa Street; thence easterly along the south right-of-way line of Chippewa Street a distance approximately 144 feet; thence turning approximately 87 degrees to the left and across Chippewa Street to the intersection of the north right-of-way line of Chippewa Street and east right-of-way line of Canonicus Street; thence northerly along the east right-of-way line of Canonicus Street to the intersection of the north boundary of Lot 5 of Suburb Istrouma, Block 46; thence easterly along the north boundary of said Lot 5 to the intersection of the west boundary of Lot 10 of Suburb Istrouma, Block 46; thence continue northeasterly along the west boundaries of Lots 10, 11, 12, and 13 of Suburb Istrouma, Block 46 to the intersection of the south right-of-way line of Ontario Street; thence turning approximately 45 degrees to the right and across Ontario Street to the intersection of the north right-of-way line of Ontario Street and west boundary of Lot 12 of Suburb Istrouma, Block 60; thence northerly and easterly along the west and north boundaries of said Lot 12 to the intersection of the west boundary of Lot 17 of Suburb Istrouma, Block 60; thence continue northeasterly along the west boundaries of Lots 17, 18, 19 and 20 of Suburb Istrouma, Block 60, across Erie Street, along the west boundaries of Lots 5, 6, 7, 8, 9, 10 and 11 of Suburb Istrouma, Block 61, across Huron Street and along the west boundaries of Lots 8, 9 and 10 of Suburb Istrouma, Block 108 to the intersection of the north boundary of Lot 10 of Suburb Istrouma, Block 108; thence easterly along the north boundary of said Lot 10 to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Lot 12 of Suburb Istrouma, Block 108; thence westerly, northeasterly and easterly along the south, northwest and north boundaries of said Lot 12 to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south right-of-way line of Winbourne Avenue; thence westerly along the south right-of-way line of Winbourne Avenue a distance approximately 201 feet; thence turning approximately 92 degrees to the right and across Winbourne Avenue to the intersection of the north right-of-way line of Winbourne Avenue and east right-of-way line of Geronimo Street; thence northerly along the east right-of-way line of Geronimo Street to the intersection of the north boundary of Lot 6 of Suburb Istrouma, Block 109; thence easterly along the north boundary of said Lot 6 to the intersection of the northwest boundary of Lot 10 of Suburb Istrouma, Block 109; thence northeasterly along the northwest boundaries of Lots 10, 11, 12, 13 and 14 of Suburb Istrouma, Block 109 to the intersection of the south right-of-way line of Ozark Street; thence turning approximately 6 degrees to the right and across Ozark Street to the intersection of the north right-of-way line of Ozark Street and west boundary of Lot B of Suburb Istrouma, Block 110; thence northerly and easterly along the west and north boundaries of said Lot B to the intersection of the northwest boundary of Lot 16 of Suburb Istrouma, Block 110; thence northeasterly along the northwest boundaries of Lots 16, 17, 18 and 19 of Suburb Istrouma, Block 110 to the intersection of the south right-of-way line of Calumet Street; thence turning approximately 4 degrees to the right and across Calumet Street to the intersection of the north right-of-way line of Calumet Street and west boundary of Lot 9-A of Suburb Istrouma, Block 114; thence easterly along the north right-of-way line of Calumet Street to the intersection of the west boundary of Lot 10-B of Suburb Istrouma, Block 114; thence northeasterly along the west boundary of said Lot 10-B to the intersection of the south boundary of Lot 11 of Suburb Istrouma, Block 114; thence westerly along the south boundary said Lot 11 to the intersection of the northwest boundary of said Lot 11; thence

northeasterly along the northwest boundaries of Lots 11, 12 and 13 of Suburb Istrouma, Block 114 to their intersection of the north boundary of said Lot 13; thence easterly along the north boundary of said Lot 13 to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the north right-of-way line of Navajo Street; thence westerly along the north right-of-way line of Navajo Street to the intersection of the west boundary of Lot 8-A of Suburb Istrouma, Block 113; thence northerly and easterly along the west and north boundaries of said Lot 8-A to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Lot 7 of Suburb Istrouma, Block 113; thence westerly along the south boundary of said Lot 12 to the intersection of the southeast boundary of Lot 16 of Suburb Istrouma, Block 11; thence southwesterly and northerly along the southeast and west boundaries of said Lot 16 to the intersection of the south right-of-way line of Wyandotte Street; thence turning approximately 24 degrees to the left and across Wyandotte Street to the intersection of the north right-of-way line of Wyandotte Street and east right-of-way line of Keokuk Street; thence northerly along the east right-of-way line of Keokuk Street to the intersection of the north boundary of Lot 7 of Suburb Istrouma, Block 215; thence easterly along the north boundary of said Lot 7 to the intersection of the west boundary of Lot 12 Suburb Istrouma, Block 215; thence northerly and easterly along the west and north boundaries of said Lot 12 to the intersection of the northwest boundary of Lot 21 of Suburb Istrouma, Block 215; thence continue northeasterly along the northwest boundaries of Lot 21, 22 and 23 to the intersection of the south right-of-way line of Winnebago Street; thence turning approximately 7 degrees to the left continue northerly across Winnebago Street to the intersection of the north right-of-way line of Winnebago Street and southeast right-of-way line of Lot 10 of Suburb Istrouma, Block 213; thence westerly along the north right-of-way line of Winnebago Street to the intersection of the east right-of-way line of Pawtucket Street; thence northerly along the east right-of-way line of Pawtucket Street to the intersection of the south right-of-way line of Weller Avenue; thence easterly along the south right-of-way line of Weller Avenue a distance approximately 256 feet; thence turning approximately 90 degrees to the left and across Weller Avenue to the intersection of the north right-of-way line of Weller Avenue and east right-of-way line of Mayan Street; thence northerly along the east right-of-way line of Mayan Street to the south boundary of Lot 12 of Evergreen; thence continue easterly along the south boundary of Lots 12, 10, 8 and 6 of Evergreen to the intersection of the west boundary of Lot 4 of Evergreen; thence continue northeasterly along the northwest boundary of said Lot 4, across Pluskat Street and along the northwest boundary of Lot 3 of Evergreen to the intersection of the south boundary of Lot 35 of Dayton, Block 1; thence westerly, northerly and easterly along the south, west and north boundaries of said Lot 35 to the intersection of the west boundary of Lot 34 of Dayton, Block 1; thence continue northerly along the west boundaries of Lots 34 and 33 of Dayton, Block 1 to the intersection of the south right-of-way line of Dayton Street; thence easterly along the south right-of-way line of Dayton Street a distance approximately 51 feet; thence turning approximately 90 degrees to the left and continue northerly across Dayton Street and along the west boundary of the west portion of Lot 36 of Dayton, Block 2 to the intersection of the north boundary of said west portion of Lot 36; thence easterly along the north boundaries of west portion of Lot 36 and east portion of Lot 36 to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Lot 34-A of Dayton, Block 2; thence westerly and northerly along the south and west boundaries of said Lot 34-A to the intersection of the north boundary of said Lot 34-A; thence easterly along the north boundary of said Lot 34-A a distance approximately 75 feet; thence turning approximately 90 degrees to the left and across an unnamed alley to the intersection of the south and west boundaries of Lot 32 of Dayton, Block 3; thence continue northerly along the west boundaries of Lots 32, 31 and 30 to the intersection of the south right-of-way line of Sherwood Street; thence easterly along the south right-of-way line of Sherwood Street a distance approximately 143 feet; thence turning approximately 90 degrees to the left and continue northerly across Sherwood Street and along the west boundary of Lot 36-A of Dayton, Block 4 to the intersection of the north boundary of said Lot 36-A; thence easterly along the north boundary of said Lot 36-A to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south right-of-way line of Shelley Street; thence turning approximately 19 degrees to the left and across Shelley Street to the intersection of the northwest right-of-way line of Plank Road and north right-of-way line of Shelley Street; thence westerly along the north right-of-way line of Shelley Street a distance approximately 117 feet; thence turning approximately 90 degrees to the right and across Lot 26-A of Delmont Place, Block 17 to the intersection of the north boundary of said Lot 26-A; thence westerly along the north boundary of said Lot 26-A to the intersection of the west boundary of Lot 22-A of Delmont, Block 17; thence northerly along the west boundary of said Lot 22-A to the intersection of the south boundary of Lot 16 of Delmont, Block 17; thence westerly and northerly along the south and west boundaries of said Lot 16 to the intersection of the south right-of-way line of Evangeline Street; thence westerly along the south right-of-way line of Evangeline Street a distance approximately 96 feet; thence turning approximately 88 degrees to the right and across Evangeline Street to the intersection of the north right-of-way line of Evangeline Street and west boundary of Lot 32 of Delmont Place, Block 16; thence northerly along the west boundary of said Lot 32 to the intersection of the north boundary of said Lot 32; thence easterly along the north boundaries of Lots 32 and 31 of Delmont Place,



Block 16 to the intersection of the west boundary of Lot 14 of Delmont Place, Block 16; thence northerly along the west boundary of said Lot 14 to the intersection of the south right-of-way line of Byron Street; thence easterly along the south right-of-way line of Byron Street a distance approximately 342 feet; thence turning approximately 90 degrees to the left and continue northerly across Byron Street and along the west boundary of Lot 26 of Delmont Place, Block 15; thence continue easterly along the north boundaries of Lots 26 and 23 of Delmont Place, Block 15 to the intersection of the east boundary of Lot 19 of Delmont Place, Block 15; thence northerly along the east boundary of Lot 19 to the intersection of the south right-of-way line of Sycamore Street; thence continue northerly across Sycamore Street and the west boundary of Lot 26 of Delmont Place, Block 14 to the intersection of the south boundary of Lot 14 of Delmont Place, Block 14; thence continue westerly along the south boundaries of Lots 14 through 3 of Delmont Place, Block 14 to the intersection of the southeast right-of-way line of Longfellow Drive; thence northeasterly along the southeast right-of-way line of Longfellow Drive a distance approximately 755 feet; thence turning approximately 109 degrees to the left and continue westerly across Longfellow Drive and along the south boundary of Tract 6 of Delmont Place, Block 12 to the intersection of the east right-of-way line of Interstate 110; thence northeasterly along the east right-of-way line of Interstate 110 to the intersection of the north right-of-way line of Riley Street; thence continue easterly along the north right-of-way line of Riley Street and Longfellow Drive to the intersection of the southeast right-of-way line of Longfellow Drive; thence northeasterly along the southeast right-of-way line of Longfellow Drive to the intersection of the north boundary of Tract 7-B-1 of Delmont Place, Block 10; thence continue easterly along the north boundaries of said Tracts 7-B-1 and 7-B-2 of Delmont Place, Block 10 to the intersection of the west boundary of Lot 19 of Hollywood, Block 17; thence continue northerly along the west boundary of said Lot 19 and across Hollywood Street to the intersection of the north right-of-way line of Hollywood Street; thence easterly along the north right-of-way line of Hollywood Street to the intersection of the southeast boundary of Lot 29-A of Hollywood, Block 18; thence northeasterly, westerly and northerly along the southeast, northeast and east boundaries of said Lot 29-A to the intersection of the north boundary of Lot 26-A of Hollywood, Block 18; thence easterly along the north boundary of said Lot 26-A to the intersection of the west boundary of Lot 2 of Village Park; thence northerly along the west boundary of said Lot 2 to the intersection of the south right-of-way line of Amarillo Street; thence easterly along the south right-of-way line of Amarillo Street to the intersection of the east boundary of said Lot 2; thence turning approximately 95 degrees to the left and continue northerly across Amarillo Street to the intersection of the north right-of-way line of Amarillo Street and west boundary of Lot 10 of Village Park; thence continue northeasterly along the west boundaries of Lots 10 and 13 of Village Park and across Vaughn Street to the intersection of the north right-of-way line of Vaughn Street; thence northwesterly along the north right-of-way line of Vaughn Street to the intersection of the west boundary of Lot 21 of Village Park; thence northeasterly along the west boundary of said Lot 21 to the intersection of the north boundary of said Lot 21; thence continue southeasterly along the north boundaries of Lots 21 and 22 of Village Park to the intersection of the west boundary of Lot 24-A of Village Park; thence northeasterly along the west boundary of said Lot 24-A to the intersection of the south right-of-way line of Greenwell Street; thence turning approximately 19 degrees to the right and continue northeasterly across Greenwell Street to the intersection of the north right-of-way line of Greenwell Street and northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south right-of-way line of J.H. Cooney Drive; thence westerly along the south right-of-way line of J.H. Cooney Drive a distance approximately 665 feet; thence turning approximately 90 degrees to the right and northerly across J.H. Cooney Drive to the intersection of the north right-of-way line of J.H. Cooney Drive and west boundary of Lot Y-1-A-2 of the J.H. Cooney Tract; thence continue northerly along the west boundaries of Lot Y-1-A-2 and Y-1-A-1-B of the J.H. Cooney Tract to the intersection of the north boundary of said Lot Y-1-A-1-B; thence continue easterly along the north boundaries of said Lot Y-1-A-1-B and Tract X of J.H. Cooney Tract to the intersection of the northwest right-of-way line of Plank Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the north right-of-way line of Cannon Street; thence westerly along the north right-of-way line of Cannon Street to the intersection of the west boundary of Lot 4-B of the J. Cannon Smith Tract; thence continue northerly along the west boundary of said Lot 4-B and across Vergie Street to the intersection of the right-of-way line of Vergie Street; thence easterly along the right-of-way line of Vergie Street to the intersection of the west boundary of Lot 6 of the Joseph Digerolamo Tract, Block 2; thence continue northeasterly along the west boundaries of Lots 6 through 1 of the Joseph Digerolamo Tract, Block 2, across Harriet Street and along the west boundaries of Lots 3, 2 and 1 of the Joseph Digerolamo Tract, Block 1 to the intersection of the southwest right-of-way line of Madison Avenue; thence northwesterly along the southwest right-of-way line of Madison Avenue to the intersection of the west boundary of the remainder of Lot 7-A of Beechnolia; thence continue northerly along the west boundary of the remainder of Lot 7-A, across Madison Avenue, Airline Highway (US 61), Monte Sano Avenue, and along the west boundaries of Lots A-1-A-3-A and A-1-A-1 of the Rosalie G. Moyses Tract to the intersection of the north boundary of said Lot A-1-A-1; thence easterly along the north boundary of said Lot A-1-A-1 to the west boundary of Lot B-3-A of the Rosalie G. Moyses Tract; thence northerly along the west boundary of said Lot B-3-A to the south right-of-way line of 72nd Avenue; thence easterly along the south right-of-way line of 72nd Avenue to the intersection of the northwest right-of-way line of Plank

Road; thence northeasterly along the northwest right-of-way line of Plank Road to the intersection of the south boundary of Tract A-1-A-1-A-4-A of Howell Community Farms; thence continue westerly along the south boundaries of Tracts A-1-A-1-A-4-A and A-1-A-1-A-4-C of Howell Community Farms and Tract H-1-A-1-B-1 of Howell Place, 2nd Filing to the intersection of the east boundary of Tract I of Howell Place, 2nd Filing; thence southerly along the east boundary of said Lot I to the north right-of-way line of 72nd Avenue; thence westerly along the north right-of-way line of 72nd Avenue to the intersection of the west boundary of Tract F-1-A-1-A-2 of Howell Place, 2nd Filing; thence continue northerly along the western boundaries of Tracts F-1-A-1-A-2, F-1-A-1-A-1-A, F-1-B and E-1 of Howell Place, 2nd Filing, Tracts A and B of Howell Place, 1st Filing, and the remaining portion of Tract 13 of Howell Community Farms, being south of Harding Boulevard, to the intersection of the south right-of-way line of Harding Boulevard; thence easterly along the south right-of-way line of Harding Boulevard to the intersection of the northwest right-of-way line of Plank Road; thence continue northeasterly across Harding Boulevard and along the northwest right-of-way line of Plank Road a distance of approximately 878 feet; thence turning approximately 61 degrees to the right and continue northeasterly across Plank Road and along the north right-of-way line of Old Hooper Road a distance of approximately 1553 feet; thence turning approximately 113 degrees to the right and continue southwesterly across Old Hooper Road and along north boundary of Tract I of the Badley Tract to the intersection of the east boundary of Tract D of the Theo Cangelosi Tract; thence southerly along the east boundary of said Tract D to the north right-of-way line of Hooper Road; thence westerly along the north right-of-way line of Hooper Road to the intersection of the southeast right-of-way line of Plank Road; thence turning approximately 71 degrees to the left continue southwesterly across Hooper Road and along the to southeast right-of-way line of Plank Road the intersection of the southeast right-of-way line of Plank Road and south right-of-way line of Crown Avenue; thence easterly along the south right-of-way line of Crown Avenue to the intersection of the east boundary of Lot B-1 of Fountain Place, 2nd Filing; thence southerly and westerly along the east and south boundaries of said Lot B-1 to the intersection of the west boundary of Lot 318 of Glen Oaks, 4th Filing; thence continue southerly along the boundary of said Lot 318 and across Sumrall Drive to the intersection of the south right-of-way line of Sumrall Drive; thence westerly along the south right-of-way line of Sumrall Drive to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the north boundary of Lot A-1-A of Glen Oaks; thence easterly along the north boundary of said Lot A-1-A to the intersection of the east boundary of said Lot A-1-A; thence continue southerly along the east boundaries of Lots A-1-A and A-1-B of Glen Oaks and across Oaklon Drive to the intersection of the south right-of-way line of Oaklon Drive; thence westerly along the south right-of-way line of Oaklon Drive to the intersection of the east boundary of Lot 115-A of Glen Oaks, 2nd Filing, thence continue southerly along the east boundaries of Lots 115-A and 115-B of Glen Oaks, 2nd Filing to the south boundary of said Lot 115-B; thence westerly along the south boundary of said Lot 115-B to the intersection of the east boundary of Lot 114-A of Glen Oaks; thence continue southerly along the east boundaries of Lots 114-A and 113-A of Glen Oaks to the intersection of the north right-of-way line of Glen Oaks Drive; thence easterly along the north right-of-way line of Glen Oaks to the intersection of the east boundary of Lot 112 of Glen Oaks; thence turning approximately 92 degrees to the right and continue southerly across Glen Oaks Drive and along the east boundary of Lot 3 of Glen Oaks to the intersection of the north boundary of Tract A-1-A of the Nicholas Tessitore Tract; thence continue easterly along the north boundaries of said Tracts A-1-A, A-1-B-1 and A-1-B-2 of the Nicholas Tessitore Tract, across Beechwood Drive, along the north boundaries of Lots 4-A and 5-A of Airline Place, across North Foster Drive and along the north boundary of Lot 7-A of Airline Place to the intersection of the west boundary of Lot F-3-A of Suburb Loudon Addition; thence southerly along the west boundary of said Lot F-3-A to the intersection of the north right-of-way line of Airline Highway; thence northwesterly along the north right-of-way line of Airline Highway to the intersection of the east right-of-way line of North Foster Drive; thence turning approximately 108 degrees to the left and continue southerly across Airline Drive to the intersection of the east right-of-way line of North Foster Drive and south right-of-way line of Airline Highway; thence northwesterly along the south right-of-way line of Airline Highway to the intersection of the west boundary of Lot A-1 of the Lelia Opdenweyer Tract; thence southerly along the west boundary of said Lot A-1 to the intersection of the north boundary of Lot 3 of the Lelia Opdenweyer Tract; thence easterly along the north boundary of said Lot 3 to the intersection of the west right-of-way line of North Foster Drive; thence southerly along the west right-of-way line of North Foster Drive to the intersection of the south boundary of Lot 1 of Cumberland Place; thence westerly along the south boundary of said Lot 1 to the intersection of the northeast boundary of the Hollywood Lateral of Monte Sano Bayou; thence northwesterly along the northeast boundary of the Hollywood Lateral of Monte Sano Bayou to the intersection of the east boundary of Lot 174 of Woodlawn; thence northerly along the east boundary of said Lot 174 to the intersection of the south boundary of Lot 1 of Woodlawn; thence continue westerly along the south boundary of said Lot 1, across Beechwood Drive, along the south boundaries of Lots H and G of the C.W. Lamar Tract, across Dutton Avenue and along the south boundary of Lot F of the C.W. Lamar Tract to the intersection of the east boundary of Lot E of the C.W. Lamar Tract; thence southerly along the east boundary of said Lot E to the intersection of the south boundary east boundary of Lot E; thence continue westerly along the south boundaries of Lots E, D, C and B of the C.W. Lamar Tract and across Gurney

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

\* As it appears in the enrolled bill

THE ADVOCATE  
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Street to the intersection of the west right-of-way line of Gurney Street; thence northerly along the west right-of-way line of Gurney Street to the intersection of the south right-of-way line of Airline Highway; thence southeasterly along the south right-of-way line of Airline Highway to the intersection of the east boundary of Lot A-1 of the Denham Tract; thence continue southerly along the east boundaries of Lots A-1 and B-1 of the Denham Tract to the intersection of the north right-of-way line of Dawson Drive; thence westerly along the north right-of-way line of Dawson Drive a distance approximately 247 feet; thence turning approximately 90 degrees to the left continue southerly across Dawson Drive and along the east boundary of Lot 2-B-2 of Denham Place to the intersection of the north boundary of Lot 4-A of Fairview Place; thence easterly and southerly along the north and east boundaries of said Lot 4-A to the intersection of the north right-of-way line of Cannon Street; thence turning approximately 27 degrees to the right southwesterly across Cannon Street to the intersection of the south right-of-way line of Cannon Street and east boundary of Lot 4-A of Langlois Place; thence southerly and westerly along the east and south boundaries of said Lot 4-A to the intersection of the north east boundary of Lot 5-A; thence southerly along the east boundary of said Lot 5-A of the Denham Tract to the intersection of the north boundary of Lot Y of the Denham Tract; thence easterly and southerly along the north and east boundaries of said Lot Y to the intersection of the north right-of-way line of Denham Street; thence westerly along the north right-of-way line of Denham Street a distance approximately 134 feet; thence turning approximately 86 degrees to the left continue southerly across Denham Street and along the east boundary of Tract A of the Denham Tract to the intersection of the north boundary of Lot A-3-A-1-A of Plank Road Village; thence easterly and southerly along the north and east boundaries of said Lot A-3-A-1-A to the intersection of the north boundary of the Hollywood Lateral of Monte Sano Bayou; thence westerly along the north boundary of the Hollywood Lateral of Monte Sano Bayou a distance approximately 497 feet; thence turning approximately 90 degrees to the left southerly across the Hollywood Lateral of Monte Sano Bayou to the south boundary of the Hollywood Lateral of Monte Sano Bayou and east boundary of Lot 1-A-2 of Maurice Place; thence westerly along the south boundary of the Hollywood Lateral of Monte Sano Bayou to the intersection of the southeast boundary of Lot 1-A-1 of Maurice Place; thence southwesterly and westerly along the southeast and south boundaries of said Lot 1-A-1 to the intersection of the east boundary of Lot 2-A-1 of Maurice Place; thence southerly along the east boundary of said Lot 2-A-1 to the intersection of the north boundary of Lot 3 of Maurice Place; thence easterly along the north boundary of said Lot 3 to the intersection of the east boundary of said Lot 3; thence continue southerly along the east boundaries of Lots 3 and 4-A of Maurice Place to the intersection of the south boundary of said Lot 4-A; thence westerly along the south boundary of said Lot 4-A to the intersection of east boundary of Lot 9-A-X of Maurice Place; thence southerly along the east boundary of said Lot 9-A-X to the intersection of the north right-of-way line of Hollywood Street; thence westerly along the north right-of-way line of Hollywood Street to the intersection of the west boundary of said Lot 9-A-X; thence northerly along the west boundary of said Lot 9-A-X to the intersection of the south boundary of Lot 7-A-1-A of Maurice Place; thence westerly along the south boundary said Lot 7-A-1-A to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the south right-of-way line of Hollywood Street; thence easterly along the south right-of-way line of Hollywood Street to the intersection of the east boundary of Lot 8-A of Saint Gerard Place, Block 1; thence southerly along the east boundary of said Lot 8-A to the intersection of the south boundary said Lot 8-A; thence continue westerly along the south boundaries of Lots 8-A and 3-A of Saint Gerard Place, Block 1 to the intersection of the east boundary of Lot 19 of Saint Gerard Place, Block 1; thence southerly along the east boundary of said Lot 19 to the intersection of the north right-of-way line of Saint Katherine Avenue; thence westerly along the north right-of-way line of Saint Katherine Avenue to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the south right-of-way line of Saint Gerard Avenue; thence easterly along the south right-of-way line of Saint Gerard Avenue to the intersection of the east boundary of Lot 1 of Saint Gerard Place, Block 8; thence continue southwesterly along the east boundaries of Lots 1, 2, and 3 of Saint Gerard Place, Block 8 to the intersection of the south boundary of said Lot 3; thence turning approximately 35 degrees to the right southwesterly across an unnamed alley to the intersection of the north and east boundaries of Lot 1 of Schorten Place, Block 1; thence continue southerly along the east boundaries of Lots 1 and 2 of Schorten Place, Block 1, across Lorraine Street and along the east boundary of Lot 3 of Schorten Place, Block 2 to the intersection of the north boundary of Lot 11 of Schorten Place, Block 2; thence easterly and southerly along the north and east boundaries of said Lot 11 to the intersection of the north right-of-way line of Beech Street; thence westerly along the north right-of-way line of Beech Street a distance approximately 283 feet; thence turning approximately 90 degrees to the left continue southerly across Beech Street, along the east boundaries of Lots 1, 2, 17, and 18 of Schorten Place, Block 3 and across Sycamore Street to the intersection of the south right-of-way line of Sycamore Street; thence westerly along the south right-of-way line of Sycamore Street to the intersection of the east boundary of Lot 1 of Schorten Place, Block 4; thence continue southerly along the east boundaries of Lots 1 and 2 of Schorten Place, Block 4, and Lot 3 of North Highland Estates, Block C and across Byron Street to the intersection of the south right-of-way line of Byron Street; thence westerly along the south right-of-way line of Byron Street to the intersection of the east boundary of Lot 21 of North Highlands Estates, Block D; thence continue southerly along the east boundaries of Lots 21 and 27 of North

Highlands Estates, Block D to the intersection of the north right-of-way line of Evangeline Street; thence westerly along the north right-of-way line of Evangeline Street to the intersection of the west boundary of Lot 26 of North Highlands Estates, Block D; thence turning approximately 96 degrees to the left continue southerly across Evangeline Street and along the east boundaries of Lots 48 and 49 of North Highlands Estates, Block E to the intersection of the south boundary of said Lot 49; thence westerly along the south boundary of said Lot 49 to the intersection of the east boundary of Lot 50-A of North Highlands Estates, Block E; thence continue southerly along the east boundaries of Lots 50-A and 51-A of North Highlands Estates, Block E and across Shelley Street to the south right-of-way line of Shelley Street; thence westerly along the south right-of-way line of Shelley Street to the intersection of the east boundary of Lot 77-A of North Highlands Estates, Block F; thence southerly and westerly along the east and south boundaries of said Lot 77-A to the intersection of the east boundary of Lot 79 of North Highlands Estates, Block F; thence continue southerly along the east boundaries of Lots 79 and 80 of North Highlands Estates, Block F, across Clayton Street and along the east boundaries of Lots C-1 and E-1 of Addition to North Highlands Estates, Block G to the intersection of the north right-of-way line of Sherwood Street; thence westerly along the north right-of-way line of Sherwood Street a distance approximately 126 feet; thence turning approximately 90 degrees to the left continue southerly across Sherwood Street and along the east boundary of Lot 297 of Addition to North Highlands Estates, Block H to the intersection of the south boundary of said Lot 297; thence continue westerly along the south boundaries of Lots 297 and 298 of Addition to North Highlands Estates, Block H to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the north boundary of Lot 1 of Myrtle Lawn; thence continue easterly along the north boundaries of Lots 1, 4 and 5 of Myrtle Lawn to the intersection of the east boundary of said Lot 5; thence continue southerly along the east boundary of said Lot 5 and across MyrtleLawn Street to the intersection of the south right-of-way line of MyrtleLawn Street; thence westerly along the south right-of-way line of MyrtleLawn Street to the intersection of the east boundary of Lot 23 of Myrtle Lawn; thence continue southerly along the east boundaries of Lots 23, 24 and 25 of Myrtle Lawn to the intersection of the north boundary of Lot 13 of Plank Road; thence easterly and southerly along the north and east boundaries of said Lot 13 to the intersection of Lot north right-of-way line of Dayton Street; thence turning approximately 35 degrees to the right southwesterly across Dayton Street to the intersection of the south right-of-way line of Dayton Street and east boundary of Lot 2 of Plank Road; thence southerly and westerly along the east and south boundaries of said Lot 2 to the intersection of the east boundary of Lot A of Plank Road; thence continue southerly along the east boundary of said Lot A and across Roppolo Street to the intersection of the south right-of-way line of Roppolo Street; thence westerly along the south right-of-way line of Roppolo Street to the intersection of the east boundary of Lot 34 of Roppolo Villa; thence southerly and westerly along the east and south boundaries said Lot 34 to the intersection of the east boundary of Lot 4 of Roppolo Villa; thence continue southerly along the east boundaries of Lots 4, 5 and 6 of Roppolo Villa to the intersection of the north right-of-way line of Prescott Road; thence westerly along north right-of-way line of Prescott Road a distance approximately 49 feet; thence turning approximately 71 degrees to the left continue southwesterly across Prescott Road and along the east boundaries of Lots 10, 11, 12-A and 14-A of Roppolo Villa Addition, Block 1 to the intersection of the north right-of-way line of Linden Street; thence westerly along the north right-of-way line of Linden Street to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the south right-of-way line of Weller Avenue; thence easterly along the south right-of-way line of Weller Avenue to the intersection of the east boundary of Lot 4 of Roppolo Villa Addition, Block 8; thence continue southerly along the east boundaries of Lots 4 and 11 of Roppolo Villa Addition, Block 8 to the intersection of north right-of-way line of Anna Street; thence turning approximately 45 degrees to the right southwesterly across Anna Street to the intersection of the north right-of-way line of Anna Street and east boundary of Lot 5-A of Roppolo Villa Addition, Block 9; thence southerly along the east boundary of said Lot 5-A to the intersection of the north right-of-way line of Mohican Street; thence westerly along the north right-of-way line of Mohican Street to the intersection of the west boundary of said Lot 5-A; thence turning approximately 80 degrees to the left continue southerly across Mohican Street and along the west right-of-way line of Spedale Street to the intersection of the south boundary of Lot 2-E-1 of Fairacre Farms; thence westerly along the south boundary of said Lot 2-E-1 to the intersection of the east boundary of Lot 2-G-1-A of Fairacre Farms; thence southerly and westerly along the east and south boundaries of said Lot 2-G-1-A to the intersection of the east boundary of Lot 1 of Plank Road, Block 1; thence continue southwesterly along the east boundaries of Lots 1 and 2 of Plank Road, Block 1, across Winnebago Street, along the east boundaries of Lots 4, 3, 2 and 1 of Plank Road, Block 2, across Pampas Street and along the east boundaries of Lots 1 and 13 of Plank Road, Block 3 to the intersection of the north right-of-way line of Wyandotte Street; thence turning approximately 19 degrees to the left southerly across Wyandotte Street to the intersection of the south right-of-way line of Wyandotte Street; thence easterly along the south right-of-way line of Wyandotte Street to the intersection of the east boundary of Lot 9 of Plank Road, Block 6; thence continue southerly along the east boundaries of said Lot 9 and Lot 11 of Rosalie Park, Block 5 to the intersection of the north right-of-way line of Charles Street; thence westerly along the north right-of-way line of Charles Street a distance approximately 315 feet; thence turning approximately 90 degrees to the left continue southerly

across Charles Street and along the east boundaries of Lots 1, 2 and 3 of Rosalie Park, Block 4 to the intersection of the south boundary of said Lot 3; thence westerly along the south boundary of said Lot 3 to the intersection of the east boundary of Lot 4 of Rosalie Park, Block 4; thence continue southerly along the east boundaries of Lots 4, 5, and of Rosalie Park, Block 4 to the intersection of the north right-of-way line of Oswego Street; thence southerly along the east boundary of Lot 1-A of Rosalie Park, Block 3 to the north right-of-way line of Calumet Street; thence westerly along the north right-of-way line of Calumet Street a distance approximately 81 feet; thence turning approximately 90 degrees to the left continue southerly across Calumet Street and along the east boundary of Lot 1-A of Rosalie Park, Block 2 and across Lot 3-A of Rosalie Park, Block 2 to the intersection of the south boundary of said Lot 3-A; thence westerly along the south boundary of said Lot 3-A to the intersection of the east boundary of Lot 4-A of Rosalie Park, Block 2; thence continue southerly along the east boundaries of Lots 4-A, 5 and 6 of Rosalie Park, Block 2 and across Ozark Street to the intersection of the south right-of-way line of Ozark Street; thence easterly along the south right-of-way line of Ozark Street to the intersection of the east boundary of Lot 62 of Rosalie Park, Block 1; thence southerly along the east boundary of said Lot 62 to the intersection of the south boundary of said Lot 62; thence continue westerly along the south boundaries of Lots 62 and 3 of Rosalie Park, Block 1 to the intersection of the east boundary of Lot 4 of Rosalie Park, Block 1; thence continue southerly along the east boundaries of Lots 4, 5 and 6 of Rosalie Park, Block 1 across Winbourne Avenue and along the east boundary of Lot 6 of Midway Place, Block 1 to the intersection of the south boundary of Lot 6; thence continue westerly along the south boundaries of Lots 6 and 5 of Midway Place, Block 1 to the intersection of the east boundary of Lot 25 of Midway Place, Block 1; thence continue southerly along the east boundary of said Lot 25, across Midway Avenue and along the east boundary of Lot 6 of Midway Place, Block 3 to the intersection of the south boundary of said Lot 6; thence continue westerly along the south boundaries of Lots 6 and 5 of Midway Place, Block 1 to the intersection of the east boundary of Lot 29 of Midway Place, Block 3; thence southerly along the east boundary of said Lot 29 to the intersection of the north right-of-way line of Huron Street; thence westerly along the north right-of-way line of Huron Street to the intersection of the west boundary of said Lot 29; thence turning approximately 99 degrees to the left continue southerly across Huron Street and along the east boundaries of Lots 1, 2 and 3 of Langloisville, Block 1 to the intersection of the south boundary of said Lot 3; thence westerly along the south boundary of said Lot 3 to the intersection of the east boundary of Lot 1 of Victory Place, Block 1; thence southwesterly along the east boundaries of Lots 1, 2, 3 and 4 of Victory Place, Block 1 to the intersection of the north right-of-way line of Erie Street; thence westerly along the north right-of-way line of Erie Street to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the south right-of-way line of Ontario Street; thence easterly along the south right-of-way line of Ontario Street to the intersection of the east boundary of Lot 1 of Victory Place, Block 3; thence continue southerly along the east boundaries of Lots 1, 2 and 3 of Victory Place, Block 3 to the intersection of the south boundary of said Lot 3; thence westerly along the south boundary of said Lot 3 to the intersection of the east boundary of Lot 27 of Plank Road, Block 19; thence continue southwesterly along the east boundaries of Lots 27 and 26 of Plank Road, Block 19 and across Brady Street to the intersection of the south right-of-way line of Brady Street; thence easterly along the south right-of-way line of Brady Street to the intersection of the east boundary of Lot 45 of Plank Road, Block 20; thence continue southeasterly along the east boundaries of Lots 45 and 5 of Plank Road, Block 20 to the north right-of-way line of Dalton Street; thence westerly along the north right-of-way line of Dalton Street to the intersection of the west boundary of said Lot 5; thence turning approximately 71 degrees to the left continue southwesterly across Dalton Street and along the east boundaries of Lots 2 and 1 of Plank Road, Block 21 to the intersection of the north boundary of Lot 3-A of Plank Road, Block 21; thence easterly and southwesterly along the north and east boundaries of said Lot 3-A to the intersection of the north right-of-way line of Chippewa Street; thence turning approximately 21 degrees to the left southerly across Chippewa Street and along the east boundary of Lot 3-B of Plank Road, Block 22 to the intersection of the south boundary of said Lot 3-B; thence westerly along the south boundary of said Lot 3-B to the intersection of the east boundary of Lot 2-B-1 of Plank Road, Block 22; thence continue southerly along the east boundaries of Lot 2-B-1 of Plank Road, Block 22, Lots 3-A and a combination of Lots 1, 2 and south portions of 5 and 6 of Pitchford-Ourso, Block 1 and across Iroquois Street to the intersection of the south right-of-way line of Iroquois Street; thence westerly along the south right-of-way line of Iroquois Street to the east boundary of Lot 6 of Pitchford-Ourso, Block 2; thence southerly along the east boundary of said Lot 6 to the intersection of the south boundary of said Lot 6; thence continue westerly along the south boundaries of Lots 6, 5 and 4 of Pitchford-Ourso, Block 2 to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the north boundary of Lot 2 of Pitchford-Ourso, Block 2; thence easterly and southerly along the north and east boundaries of said Lot 2 to the intersection of the north right-of-way line of Seneca Street; thence turning approximately 45 degrees to the right southwesterly across Seneca Street to the intersection of the south right-of-way line of Seneca Street and east boundary of Lot 1 of Baton Rouge Terrace, Block 6; thence continue southerly along the east boundaries of Lots 1, 2 and 3 of Baton Rouge Terrace, Block 6 to the intersection of the south boundary of said Lot 3; thence easterly along the south boundary of said Lot 3 to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the

intersection of the south right-of-way line of Duke Street; thence easterly along the south right-of-way line of Duke Street to the intersection of the west right-of-way line of North 26th Street; thence continue southerly along the west right-of-way line of North 26th Street, across Choctaw Drive and Canadian National Rail to the intersection of the south right-of-way line of Canadian National Rail; thence easterly along the south right-of-way line of Canadian National Rail to the intersection of the west right-of-way line of North 28th Street; thence southerly along the west right-of-way line of North 28th Street to the intersection of the north right-of-way line of Monroe Avenue; thence westerly along the north right-of-way line of Monroe Avenue to the intersection of the east boundary of Lot 2 of North Fairfields, Block A; thence turning approximately 90 degrees to the left continue southerly across Monroe Avenue and along the east boundary of Lot 11 of North Fairfields, Block B to the intersection of the south boundary of said Lot 11; thence westerly along the south boundary of said Lot 11 to the intersection of the east boundary of Lot 5 of North Fairfields, Block B; thence southerly along the east boundary of said Lot 5 to the intersection of the north right-of-way line of Adams Avenue; thence westerly along the north right-of-way line of Adams Avenue to the intersection of the west boundary of said Lot 5; thence turning approximately 90 degrees to the left southerly across Adams Avenue to the intersection of the south right-of-way line of Adams Avenue and east boundary of Lot 15 of North Fairfields, Block C; thence westerly along the south right-of-way line of Adams Avenue to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the north boundary of Lot 4 of Fairfields, Block 4; thence easterly along the north boundary of said Lot 4 to the intersection of the east boundary of said Lot 4; thence continue southerly along the east boundaries of Lots 4, 5 and 6 of Fairfields, Block 4 and across Fairfields Avenue to the intersection of the south right-of-way line of Fairfields Avenue and east boundary of Lot 23 of Fairfields, Block 3; thence westerly along the south right-of-way line of Fairfields Avenue to the intersection of the east boundary of Lot 1-A of Fairfields, Block 3; thence continue southerly along the east boundaries of Lots 1-A and 3-A of Fairfields, Block 3 to the intersection of the south boundary of said Lot 3-A; thence westerly along the south boundary of said Lot 3-A to the intersection of the east boundary of Lot 4 of Fairfields, Block 3; thence continue southerly along the east boundaries of Lots 4, 5 and 6 of Fairfields, Block 3, across Jackson Avenue, along the east boundary of Lot 6-A of Fairfields, Block 2 and across Washington Avenue to the intersection of the south right-of-way line of Washington Avenue; thence westerly along the south right-of-way line of Washington Avenue to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the north right-of-way line of Jefferson Avenue; thence easterly along the north right-of-way line of Jefferson Avenue a distance approximately 56 feet; thence turning approximately 90 degrees to the right continue southerly across Jefferson Avenue and along the west right-of-way line of North 23rd Street to the intersection of the north right-of-way line of Birch Street; thence westerly along north right-of-way line of Birch Street to the intersection of the west boundary of Lot 7 of Forest Park, Block 1; thence turning approximately 70 degrees to the left continue across Birch Street and along the east boundaries of Lots 1 and 2 of Forest Park, Block 2 to the intersection of the south boundary of said Lot 2; thence westerly along the south boundary of said Lot 2 to the intersection of the southeast right-of-way line of Plank Road; thence southwesterly along the southeast right-of-way line of Plank Road to the intersection of the east right-of-way line of Interstate 110; thence southerly along the east right-of-way line of Interstate 110 to the intersection of the north right-of-way line of Lula Avenue; thence turning approximately 34 degrees to the right southwesterly across Interstate 110 a distance approximately 332 feet; thence turning approximately 31 degrees to the left southeasterly to the intersection of the north boundary of the remainder of Lot 1 of Forest Park, Block 5 and west right-of-way line of Interstate 110; thence southerly along the west right-of-way line of Interstate 110 a distance approximately 712 feet; thence turning approximately 64 degrees to the right continue westerly across North 22nd Street, along the south boundary of Lot being a combination of Lots 1, 2, 3, Alma Jenkins Property and Reine H. Guidry Property of the Mary L. Leblanc Tract, across Plank Road and along the north right-of-way line of Foss Street to the intersection of the east right-of-way line of Scenic Highway, being the point of beginning.

C. Governance. (1) In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the district, the district shall be managed by a seven-member board of commissioners, referred to in this Section as the "board". The board shall be comprised of members as follows:

(a) One member shall be appointed by the state senator for Senate District 14 on an annual rotating basis beginning in 2023 and every other year thereafter.

(b) One member shall be appointed by the state senator for Senate District 15 on an annual rotating basis beginning in 2022 and every other year thereafter.

(c) One member shall be appointed by the state representative for House District No. 29 on a rotating basis beginning in 2022 and every third year thereafter.

(d) One member shall be appointed by the state representative for House District No. 63 on a rotating basis beginning in 2023 and every third year thereafter.

(e) One member shall be appointed by the state representative for House District No. 67 on a rotating basis beginning in 2024 and every third year thereafter.

(f) One member shall be appointed by the governing board of the Baton Rouge Area Chamber.

(g) One member shall be appointed by the governing board of Build BR.

(h) One member shall be appointed by the governing board of Impact North Baton Rouge.

(i) Two business owners with businesses located within the district to be selected by a subcommittee formed by the board.

(2)(a) Members shall serve four-year terms after initial terms as provided by Subparagraph (b) of this Paragraph.

(b) The members appointed pursuant to Subparagraphs C(1)(f), (g), (h), and (i) shall serve as follows: two members shall serve an initial term of one year; two shall serve two years; one shall serve three years, as determined by lot at the first meeting of the board.

(3) Members shall serve during their terms of office, or if a designee, at the pleasure of the appointing authority.

(4) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(5) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

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

(7) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

(8) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.

(9) 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 Section.

D. Powers and duties. (1) The district, through the board, 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 the following:

(a) To sue and to be sued,

(b) To adopt, use, and alter at will a corporate seal.

(c) To adopt bylaws and rules and regulations.

(d) To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(e) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

(f) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(g) To acquire by purchase, gift, grant, donation, lease, or otherwise such property as may be necessary or desirable for carrying out the objectives and purposes of the board.

(2) 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.

E. District plan. (1) The board shall prepare or cause to be prepared a plan or plans, referred to in this Section as the "plan", specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and shall conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, may consider to be appropriate or advisable and in the public interest.

(2) Any plan may specify and encompass any public services, capital improvements, and facilities which the parish of East Baton Rouge is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana, and such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the parish of East Baton Rouge is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

(3) Any plan shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

(4) Any monies received by the district shall be used exclusively for the development of the district plan.

(5) The board shall submit the plan to the governing authority of the parish of East Baton Rouge. The parish governing authority shall review and consider the plan, but the board need not receive approval of the parish governing authority prior to implementing such plan.

F. Services and improvements. (1) All services to be furnished within the district pursuant to any plan finally and conclusively adopted may be furnished, supplied, and administered by the parish of East Baton Rouge through its regularly constituted departments, agencies, boards, commissions, and instrumentalities. All capital improvements and facilities to be acquired, constructed, or provided within the district may likewise be so acquired, constructed, or provided by the parish of East Baton Rouge through its regularly constituted departments, agencies, boards, commissions, and instrumentalities, it being the intention of this Paragraph to avoid the duplication of administrative and management

efforts and expense in the implementation of any plan adopted for the benefit of the district.

(2) In order to provide services or provide, construct, or acquire capital improvements or facilities, the board may enter into intergovernmental local service contracts with the parish of East Baton Rouge.

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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 222

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SENATE BILL NO. 14  
BY SENATOR FESI

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

AN ACT

To enact R.S. 44:4(59) and (60), relative to the Public Records Law; to exempt certain information related to unclaimed property; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4(59) and (60) are hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

\* \* \*

(59) To the specific monetary value and name of the company that remitted assets held in the state treasury pursuant to the Uniform Unclaimed Property Act of 1997, except as provided by R.S. 9:161.

(60) To the name, address, telephone number, email address, social security number, driver's license number, or copy of a license or other form of identification provided by a claimant of property held in the state treasury pursuant to the Uniform Unclaimed Property Act of 1997, except as provided by R.S. 9:161. However, the provisions of this Paragraph shall not prevent a judgment creditor or a person who can demonstrate entitlement to the property from obtaining the name and address of a claimant of property through a public records request.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 223

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SENATE BILL NO. 29  
BY SENATORS ABRAHAM AND JOHNS

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

AN ACT

To enact R.S. 22:11(C), relative to the commissioner of insurance; to authorize the commissioner to take certain emergency actions related to insurance; to provide for limitations on these emergency actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:11(C) is hereby enacted to read as follows:

§11. Rules and regulations by commissioner

\* \* \*

C.(1) When the governor declares a state of emergency pursuant to R.S. 29:724 or a public health emergency pursuant to R.S. 29:766, the commissioner may issue emergency rules or regulations that address any of the following related to insurance policies or health maintenance organization contracts in this state:

(a) Medical coverage relative to each of the following:

(i) Removal of telehealth and telemedicine access restraints.

(ii) Suspension of physician credentialing requirements.

(iii) Expansion of remote access to pharmaceutical drugs.

(b) Grace periods for payment of premiums and performance of other obligations by insurers or insureds. For health and accident insurance and health maintenance organizations, the commissioner may implement a grace period not to exceed sixty days during which the commissioner shall be strictly limited to requiring health insurers to pend all subsequent claims until any arrearages are corrected or the product is permissibly cancelled or nonrenewed at the end of the grace period. The commissioner may require prior notice to providers as a prerequisite for nonpayment of claims. In the event arrearages are not corrected within the duration of the grace period and the product is permissibly cancelled or nonrenewed, a healthcare provider may seek payment for any medical services that were rendered by the healthcare provider but pended by the insurer directly from the insured.

(c) Temporary postponement of involuntary cancellation or nonrenewal by the insurer.

(2) An action pursuant to Paragraph (1) of this Subsection shall specify all of the following:

(a) The kinds of insurance, as defined in R.S. 22:47, affected.  
(b) The geographic areas to which the emergency rule or regulation applies, which may be less extensive but shall not be more extensive than the geographic areas in the governor's emergency declaration.

(c) The effective dates of the emergency rule or regulation, which shall not exceed the period of the governor's emergency declaration including any extensions or an earlier termination of the state of emergency.

(3) Any emergency rules or regulations issued by the commissioner pursuant to this Subsection shall be subject to legislative oversight in accordance with R.S. 49:950, et seq. and all of the following:

(a) If the commissioner finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon shorter notice than that provided in R.S. 49:953(A) and within five days of adoption states in writing to the governor of the state of Louisiana, the attorney general of Louisiana, the speaker of the House of Representatives, the president of the Senate, and the office of the state register, the reasons for that finding, the commissioner may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule.

(b) The commissioner's statement of the reasons for finding it necessary to adopt an emergency rule shall include specific reasons why the failure to adopt the rule on an emergency basis would result in imminent peril to the public health, safety, or welfare, or specific reasons why the emergency rule meets other criteria provided in this Subsection for adoption of an emergency rule.

(c) The commissioner's statement required in this Paragraph shall be submitted to the speaker of the House of Representatives and the president of the Senate at their respective offices in the state capitol by electronic transmission if such means are available. If electronic means are not available, the commissioner's statement shall be submitted to the office of the speaker of the House of Representatives and the president of the Senate in the state capitol by certified mail with the return receipt requested or by messenger who shall provide a receipt for signature. The return receipt, the receipt for signature, or the electronic confirmation receipt shall be proof of receipt of the commissioner's statement by the respective offices.

(d) Within sixty days after receipt of the commissioner's statement by the presiding officer of either house for an emergency rule, an oversight subcommittee of that house may conduct a hearing to review the emergency rule and make a determination of whether the emergency rule meets the criteria for an emergency rule and those determinations as provided in R.S. 49:968(D)(3). If within that time period an oversight subcommittee finds an emergency rule unacceptable, it shall prepare a written report containing a copy of the proposed rule and a summary of the determinations made by the committee and transmit copies thereof as provided in R.S. 49:968(F)(2).

(e) Within sixty days after adoption of an emergency rule, the governor may review the emergency rule and make the determinations as provided in Subparagraph (d) of this Paragraph. If within this time period the governor finds an emergency rule unacceptable, he shall prepare a written report as provided in Subparagraph (d) of this Paragraph and transmit copies thereof to the commissioner and the Louisiana Register no later than four days after the governor makes his determination.

(f) Upon receipt by the commissioner of a report as provided in either Subparagraph (d) or (e) of this Paragraph, the rule shall be nullified and shall be without effect.

(g) Nothing in this Paragraph shall be construed to grant the commissioner authority to issue emergency rules or regulations not otherwise authorized by Paragraph (1) of this Subsection.

(4) No later than June 30, 2021, the commissioner shall promulgate, in accordance with provisions of the Administrative Procedure Act, rules and regulations to govern the business of insurance in the event of a declaration of emergency. The rules and regulations promulgated by the commissioner shall establish requirements related to insurance policies or health maintenance contracts under the authority granted by Paragraph (1) of this Subsection.

(5)(a) Any rule adopted pursuant to the authority granted in Subparagraph (1)(a) of this Subsection and governing medical coverage not specifically enumerated therein shall be presented by the commissioner to the Senate Insurance Committee and House Insurance Committee for review and approval by either committee prior to adoption.

(b) Any temporary postponement of cancellation or nonrenewal pursuant to Subparagraph (1)(c) of this Subsection shall not remain in effect beyond sixty days unless presented by the commissioner to the Senate Insurance Committee and House Insurance Committee for review and approval by either committee prior to any extension.

(c) The House Committee on Insurance and the Senate Committee on Insurance meeting jointly or separately to consider an emergency rule promulgated pursuant to this Subsection may reject the rule or any provision thereof, in which case the rejected rule or provision shall be nullified and shall be without effect.

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 224  
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SENATE BILL NO. 124

BY SENATORS HEWITT, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FOIL, HARRIS, HENRY, HENSGENS, JACKSON, JOHNS, LAMBERT, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, POPE, REESE, TALBOT, WARD, WHITE AND WOMACK

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

To enact R.S. 4:3, relative to the playing or singing of the national anthem prior to certain athletic events; to provide for requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:3 is hereby enacted to read as follows:

**§3. Playing or singing of the national anthem at certain athletic contests**  
**No competitive athletic event may be held in a venue, the construction, operation, or maintenance of which is financed wholly or partially by the state or a political subdivision of the state, unless the event is preceded by the playing or singing of the national anthem.**

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 225  
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SENATE BILL NO. 131

BY SENATOR ROBERT MILLS

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

To enact R.S. 22:1272, relative to property and casualty insurance; to provide relative to defense costs; to prohibit inclusion of defense costs in insurance contracts under certain circumstances; to provide for waivers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1272 is hereby enacted to read as follows:

**§1272. Defense costs; prohibition; waiver**

**A. The liability limits contained in a policy or contract of insurance issued by an authorized insurer shall not be reduced by the expenses of defense in a suit under the policy unless the commissioner executes a written waiver, as provided in Paragraph (B)(2) or (3) of this Section, to authorize the policy liability limits to be reduced by the defense expenses.**

**B.(1) The prohibition contained in Subsection A of this Section shall apply to the following types of insurance coverage:**

**(a) All personal lines.**

**(b) Medical malpractice.**

**(c) Commercial vehicle.**

**(d) Commercial general liability.**

**(2) The prohibition contained in Subsection A of this Section shall be waived by the commissioner for the following types of insurance coverage:**

**(a) Professional liability other than medical malpractice.**

**(b) Directors' and officers' liability.**

**(c) Errors and omissions liability.**

**(d) Pollution liability.**

**(e) Employment practices liability.**

**(f) Cyber risk liability.**

**(g) Information security and privacy liability.**

**(h) Patent defense or other intellectual property infringement liability.**

**(i) Commercial liability coverages sold in combination.**

**(3) The prohibition contained in Subsection A of this Section may be waived by the commissioner for other types of insurance, except those listed in Paragraph (1) of this Subsection, upon consideration by the commissioner of the level of market competition, the nature and design of the product, the availability of insurance coverage, and other relevant factors.**

**C. Every policy or contract for which a waiver is executed by the commissioner pursuant to this Section shall be subject to the following requirements:**

**(1) Defense expenses used to reduce the liability limits on the policy or contract shall not include overhead costs, adjusting expenses, or other expenses incurred by the insurer in the ordinary course of business.**

**(2) Defense expenses used to reduce the liability limits shall include only reasonable attorney fees and expenses directly connected to the insurer's defense of a specific liability claim on behalf of an insured and any other litigation expenses directly arising from the defense of a specific liability claim.**

**(3) The inclusion of defense expenses shall not exhaust the entire amount of liability coverage.**

**D. The commissioner is authorized to do any of the following:**

**(1) Limit the amount of defense expenses used to reduce the liability limits or establish a minimum amount of liability coverage from which defense expenses shall not be deducted.**

**(2) Limit or define the amount of expenses that reduce the liability limits for all or specific type of insurance coverage.**

**E. Any policy or contract of insurance containing terms that require a waiver pursuant to this Section shall include a separate notice or inclusion on the declaration page stating that the insurance policy or contract includes defense**

\* As it appears in the enrolled bill

THE ADVOCATE  
PAGE 29

**expenses which may be deducted from the liability limits of the policy. This notice shall be prominently printed or stamped in bold on the policy or contract and shall not be less than a ten-point type.**

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 226**

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SENATE BILL NO. 192  
BY SENATOR HENSGENS Pursuant to Article III, Section 2(A)(4)(b)  
(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:1281.26(A), (B)(3), and (C)(introductory paragraph) and (1) and to enact R.S. 40:1281.26(D), relative to individual sewerage systems; to provide for a temporary waiver of sanitary code requirements for individual sewerage systems in certain jurisdictions; to authorize enforcement by the jurisdiction; to provide for exceptions; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1281.26(A), (B)(3), and (C)(introductory paragraph) and (1) are hereby amended and reenacted and R.S. 40:1281.26(D) is hereby enacted to read as follows:

§1281.26. Individual sewerage systems; temporary waiver; enforcement

A. The Louisiana Department of Health, office of public health, shall temporarily waive applicable requirements of LAC 51:XIII.101 et seq. regarding individual sewerage systems ~~during pending~~ the construction of a community sewerage system for properties located within the boundaries of any parish with a population between six thousand eight hundred and six thousand nine hundred according to the latest federal decennial census.

B. The temporary waiver of individual sewerage system regulations for properties within a qualifying jurisdiction pursuant to Subsection A of this Section shall be granted only under the following conditions:

\* \* \*

(3) Each waiver shall require five thousand ~~square~~ **square** feet of contiguous property, with a current property survey by a ~~Louisiana registered Louisiana-~~ **registered** land surveyor, and a minimum of four property corners that are visibly staked.

\* \* \*

C. The parish or any municipality within the parish may provide appropriate enforcement mechanisms to ~~discourage citizens owning~~ **prohibit persons who own** property within the boundaries of the parish from doing any of the following:

(1) Connecting multiple habitable structures to an individual sewerage system. ~~However, two recreational vehicles, as defined in Subsection D of this Section, may connect to one individual sewerage system if the system is permitted by the Louisiana Department of Health and the rated capacity of the system is not exceeded.~~

\* \* \*

**D.(1) For purposes of this Section, "recreational vehicle" means a motorized or towable vehicle that combines transportation and temporary living quarters.**

**(2) For purposes of this Section, the term "recreational vehicle" shall not include a mobile home, a dwelling known commonly as a "Katrina cottage", a dwelling known commonly as a "tiny house", a movable house, or any other living quarters designed or intended to have the wheels removed in connection with placement on a lot or parcel of land.**

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. 227**

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SENATE BILL NO. 241

BY SENATOR ABRAHAM

AN ACT

To enact R.S. 39:562(R), relative to the limit of indebtedness of Iowa Fire Protection District No. 1; to authorize an increase in bonded indebtedness with voter approval; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:562(R) is hereby enacted to read as follows:

§562. Limit of indebtedness

\* \* \*

**R. The governing authority of Iowa Fire Protection District No. 1 of Calcasieu Parish, with the approval of a majority of the voters voting therein at an**

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

\* As it appears in the enrolled bill

**election held for that purpose, may incur debt and issue bonds therefor for the purposes set out in R.S. 39:553 which, including the existing bonded debt of such subdivision for such purposes, may exceed ten percent but shall not exceed twenty-five percent of the assessed valuation of the taxable property of such subdivision, including both:**

**(1) Homestead exempt property, which shall be included on the assessment roll for the purposes of calculating debt limitation.**

**(2) Nonexempt property, as ascertained by the last assessment for the parish for local purposes prior to delivery of the bonds representing such debt, regardless of the date of the election at which said bonds were approved.**

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. 228**

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HOUSE BILL NO. 362

BY REPRESENTATIVE ORGERON

AN ACT

To enact Subpart BBB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.351, relative to state individual income tax return checkoffs for certain donations; to provide a method for an individual to donate all or a portion of a refund to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College for the Louisiana State University Agricultural Center Grant Walker Educational Center (4-H Camp Grant Walker); to provide for the administration and disbursement of donated monies; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart BBB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.351, is hereby enacted to read as follows:

**SUBPART BBB. LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER GRANT WALKER EDUCATIONAL CENTER**

**§120.351. Income tax checkoff; donation for Grant Walker Educational Center**

**Every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current year return that all or any portion of the total amount of the refund to which he is entitled shall be donated to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to be used exclusively for the Louisiana State University Agricultural Center Grant Walker Educational Center (4-H Camp Grant Walker), in lieu of that amount being paid to him as a refund. The refund shall be reduced by the amount so designated. The designation shall be made at the time of filing the current year tax return and shall be made upon the income tax return form as prescribed by the secretary of the Department of Revenue. Donated monies shall be administered by the secretary and distributed to the board of supervisors in accordance with the provisions of R.S. 47:120.37. No donation made pursuant to the provisions of this Subpart shall be invalid for want of an authentic act.**

Section 2. The provisions of this Act shall be applicable to taxable years beginning on or after January 1, 2021.

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 229**

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HOUSE BILL NO. 366

BY REPRESENTATIVE MCFARLAND

AN ACT

To authorize and provide for the transfer of certain public property; to authorize the exchange of certain public property in Caddo, Sabine, Richland, Morehouse, and Ouachita Parishes; to provide for the property descriptions; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The secretary of the Department of Wildlife and Fisheries and the commissioner of administration, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to Wesley W. McConnell and Elise R. McConnell for the property described in Section 2 of this Act:

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

The portion of W1/2 T18N R5E SEC 36 lying North of U.S. Hwy 80 and east of Lafourche Canal located in Richland Parish measuring approximately 60 acres; and the portion of NE1/4 of T17N R5E SEC 1 lying North of U.S. Hwy 80 located in Richland Parish measuring approximately 39 acres; and the portion of T18N R5E SEC 25, that portion thereof lying East of Lafourche Canal being located in Morehouse and Ouachita Parishes, measuring approximately 53 acres; all totaling approximately 152 acres.

Section 2. In exchange for the above described properties in Section 1, the secretary of the Department of Wildlife and Fisheries and the commissioner of administration, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to accept, in addition to any other consideration, delivery of title to all or any portion of the following described parcels of property from Wesley W. McConnell and Elise R. McConnell:

That certain tract or parcel of ground in T16N R4E SEC 2 located in Ouachita Parish, totaling approximately 219 acres.

Section 3. The secretary of the Department of Wildlife and Fisheries and the commissioner of administration, and Wesley W. McConnell and Elise R. McConnell are 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 Sections 1 and 2 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Department of Wildlife and Fisheries and the commissioner of administration, and Wesley W. McConnell and Elise R. McConnell, in exchange of consideration proportionate to the appraised value of the property.

Section 4. The commissioner of administration and the commissioner of the Department of Agriculture and Forestry, notwithstanding any provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described property to the City of Shreveport:

A certain tract of land, together with any buildings and improvements thereon, in Caddo Parish described as follows:

Commencing at Southwest Corner Lot 10 J.S. Allen Subdivision in Section 10, Township 17 North, Range 14 West, run N 335.9 feet, thence N 60° 24' E 260.8 feet, thence S 27° 47' E 150 feet for place of beginning, thence S 62° 13' W 30 feet, thence S 27° 47' E 150 feet, thence N 62° 13' E 60 feet, thence N 27° 47' W 150 feet, thence S 62° 13' W 30 feet to place of beginning, containing 0.21 acres.

Section 5. The commissioner of administration and the commissioner of the Department of Agriculture and Forestry are 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 4 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration, the commissioner of the Department of Agriculture and Forestry, and the City of Shreveport, in exchange for consideration proportionate to the appraised value of the property, or as otherwise provided by law.

Section 6. The commissioner of administration and the commissioner of the Department of Agriculture and Forestry, notwithstanding any provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described property to the Sabine Parish Fire Protection District No. 1, Wards No. 1 and 2:

The following described property, together with any buildings and improvements thereon, in Sabine Parish, to wit:

Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 12, Township 5 North, Range 12 West, thence running North 280 feet, thence East 500 feet, thence South 435 feet, thence West 500 feet, thence North 155 feet to point of beginning and containing five (5) acres, more or less, situated in Sabine Parish, Louisiana. With a right of way described as:

The Southeast quarter of Section 12, Township 5 North, Route 12 West said right of way to follow the road as now established on said property as nearly as possible.

Section 7. The commissioner of administration and the commissioner of the Department of Agriculture and Forestry are 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 6 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration, the commissioner of the Department of Agriculture and Forestry, and the Sabine Parish Fire Protection District No. 1, Wards No. 1 and 2, in exchange for consideration proportionate to the appraised value of the property, or as otherwise provided by law. Section 8. 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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 230**

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HOUSE BILL NO. 368  
BY REPRESENTATIVE MINCEY  
AN ACT

To amend and reenact R.S. 17:154(A)(3), relative to instruction in elementary and secondary schools; to require instruction on the health risks of vapor products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:154(A)(3) is hereby amended and reenacted to read as follows:

§154. Curriculum; length of school periods

A.

\* \* \*

(3) Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to Paragraphs (1) and (2) of this Subsection shall include the information that mixing opioids and alcohol can cause accidental death and information on the health risks associated with vapor products as defined in R.S. 26:901.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 231**

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HOUSE BILL NO. 373  
BY REPRESENTATIVE BISHOP  
AN ACT

To amend and reenact R.S. 44:4.1(B)(35) and to enact R.S. 51:2113(E), relative to public records; to provide for an exception to public records; to provide relative to managed service providers and managed security service providers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§4.1. Exceptions

\* \* \*

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

\* \* \*

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

\* \* \*

Section 2. R.S. 51:2113(E) is hereby enacted to read as follows:

§2113. Requirements for doing business

\* \* \*

E. Notwithstanding any provision of this Section to the contrary, the secretary of state shall not disclose the registration information of any provider that manages a public body's information technology structure, security, or end-user systems in this state, except for a request for disclosure submitted by a public body as defined in R.S. 51:2112(8).

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 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 232**

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HOUSE BILL NO. 389  
BY REPRESENTATIVE HORTON  
AN ACT

To enact R.S. 40:1615, relative to fire fighting foam; to provide for the discharge of Class B fire fighting foam containing fluorinated organic chemicals; to provide for exceptions; to provide for definitions; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1615 is hereby enacted to read as follows:

§1615. Class B fire fighting foam containing fluorinated organic chemicals  
A. As used in this Part, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Class B fire fighting foam" means any foam designed to extinguish flammable liquid fires.

(2) "Person" means an individual, association, joint venture, partnership, corporation, limited liability company, political subdivision, municipality, or public or private organization of any character, including any agency, department, board, bureau, office, commission, district, corporation, and quasi-public corporation of the federal, state, municipal, or local government.

(3) "PFAS chemicals" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances, and designed to be fully functional in Class B fire fighting foam formulations.

(4) "Testing" means calibration testing, conformance testing, or fixed system testing. B. On and after January 1, 2022, no person shall discharge or otherwise use Class B fire fighting foam that contains intentionally added PFAS chemicals unless such discharge or other use occurs in fire prevention or in response to an emergency fire fighting operation.

C. Nothing in this Section shall be construed to do any of the following:

(1) Restrict the manufacture, sale, or distribution of Class B fire fighting foam that contains intentionally added PFAS chemicals or restrict the discharge or other use of Class B fire fighting foam in response to an emergency fire fighting operation.

(2) Prevent the use of nonfluorinated foams, including other Class B fire fighting foams, for the purposes of training or testing for fire fighting operations at a facility that has implemented containment, treatment, and disposal measures to prevent the uncontrolled releases of such fire fighting foam into the environment.

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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 233**

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HOUSE BILL NO. 392  
BY REPRESENTATIVE MCMAHEN  
AN ACT

To amend and reenact R.S. 15:571.11(H), relative to costs of court; to provide relative to the criminal court fund in DeSoto Parish; to provide relative to payment of expenses for the office of judge; to provide relative to payment of expenses for the office of district attorney; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.11(H) is hereby amended and reenacted to read as follows:

§571.11. Dispositions of fines and forfeitures

\* \* \*

H.(1) Notwithstanding any other provision of law to the contrary, the governing authority of Red River Parish is hereby authorized to pay all or part of the expenses of the office of judge, but not the salary of the judge, and the expenses of the office of district attorney for the judicial district in which Red River Parish is located, and also all or part of the salaries of the employees of those offices, including assistant district attorneys, from the Criminal Court Fund of the judicial district in which Red River Parish is located.

(2) Notwithstanding any other provision of law to the contrary, the governing authority of DeSoto Parish is hereby authorized to pay all or part of the expenses of the office of judge, but not the salary of the judge, and the expenses of the office of district attorney for the judicial district in which DeSoto Parish is located, and also all or part of the salaries of the employees of those offices, including assistant district attorneys, from the Criminal Court Fund of the judicial district in which DeSoto Parish is located.

\* \* \*

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 234**

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HOUSE BILL NO. 404  
BY REPRESENTATIVES THOMPSON, BOURRIQUE, BUTLER,  
DESHOTEL, MCFARLAND, MCMAHEN, MINCEY, ROMERO, SELDERS,  
ST. BLANC, TURNER, AND WHEAT  
AN ACT

To amend and reenact R.S. 3:749(A) and to enact R.S. 3:737(C), relative to

**THE ADVOCATE**  
**PAGE 32**

\* As it appears in the enrolled bill

livestock brand recordation; to provide for a lifetime recordation of a livestock brand or mark; to provide for fees; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:749(A) is hereby amended and reenacted and R.S. 3:737(C) is hereby enacted to read as follows:

§737. Duration of recordation; renewal  
\* \* \*

C. Lifetime recordation of brands and marks shall be available upon application pursuant to R.S. 3:736, approval by the commission, and payment of the required fee.

\* \* \*

§749. Fees

A. The commission shall charge for the following services:

(1) ~~Recording brand or mark \$15.00~~ The recording of a brand or mark shall be fifteen dollars.

(2) ~~Renewing recordation 10.00~~ The renewing of recordation shall be ten dollars.

(3) ~~Transfer of recordation 10.00~~ The transfer of recordation shall be ten dollars.

(4) ~~Second~~ The second and subsequent certified copies of recordations, renewals, and transfers ~~6.50~~ shall be six dollars and fifty cents. (5) The commission shall establish by rule or regulation a fee, which shall not exceed seventy-five dollars, for the lifetime recordation of a brand or mark.

\* \* \*

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 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 235**

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HOUSE BILL NO. 406  
BY REPRESENTATIVES BISHOP AND MAGEE  
AN ACT

To amend and reenact Code of Criminal Procedure Article 833, relative to the presence of the defendant; to provide relative to the presence of the defendant in misdemeanor prosecutions; to require the court to permit such defendants to be arraigned, enter pleas, or be tried in the absence of the defendant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 833 is hereby amended and reenacted to read as follows:

Art. 833. Presence of defendant; misdemeanor prosecution

A. The court may permit a an unrepresented or pro se defendant charged with a misdemeanor to be arraigned, enter his plea of guilty, or be tried, in his absence.

B. A plea of not guilty of a misdemeanor ~~may always~~ shall be allowed to be entered through counsel ~~and in the absence of the defendant of record and in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.~~

C. The sworn affidavit referenced in Paragraph B of this Article shall include the caption of the case and summons number, citation number or docket number as applicable, and state as follows:

AFFIDAVIT ACCEPTING SERVICE AND  
WAIVER OF PRESENCE

BEFORE ME, the undersigned authority, did personally come and appear,  
(CLIENT'S NAME), who after being duly sworn did depose and

say:

1.

Affiant acknowledges that he is the defendant in the above captioned criminal matter; that he is aware of all charges pending against him in this matter and that he has retained the services of (ATTORNEY(S) or LAW FIRM) to represent him in these proceedings;

2.

Affiant is aware that he is scheduled to be in court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock and that he has the right to be present on that day but expressly wishes to waive this right and to have his legal counsel appear on his behalf;

3.

Affiant is aware that in his absence, additional court dates could be scheduled in these proceedings and he hereby appoints his above named legal counsel as his agent(s) to accept service of notice to appear for those dates on his behalf, that he accepts service of those dates through his counsel and that he expressly waives his appearance for those dates and authorizes his counsel to appear on his behalf;

4.

Affiant understands that the court, in its sole discretion, may revoke its acceptance of this waiver and require that affiant personally appear in open

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court on subsequent court dates; that his counsel will also be notified; that a notice of appearance will be mailed to affiant at his address of record and that affiant's failure to appear at the subsequent court date could result in the issuance of an arrest warrant, a revocation of appearance bond and/or is punishable as contempt of court;

5.  
Finally, Affiant acknowledges that his current address is: \_\_\_\_\_  
(Street, Apt/Lot No, City, State and Zip Code); and authorizes the court to use this address for all notices, unless changed in writing by affiant.

\_\_\_\_\_  
Affiant  
SWORN TO AND SUBSCRIBED BEFORE ME, notary, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

P

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 236

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HOUSE BILL NO. 422  
BY REPRESENTATIVE EMERSON  
AN ACT

To amend and reenact R.S. 15:1199.4(E)(introductory paragraph) and to enact R.S. 15:1199.4(E)(13) and (O), relative to the Reentry Advisory Council; to provide relative to the membership of the Reentry Advisory Council; to add a member; to provide relative to the disqualification of members for missing a certain number of meetings; to provide for certain notification to the nominating authority of the disqualified member; to provide for the appointment of a member to replace the disqualified member; to prohibit the disqualified member from being reappointed for a certain period of time; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1199.4(E)(introductory paragraph) is hereby amended and reenacted and R.S. 15:1199.4(E)(13) and (O) are hereby enacted to read as follows:

§1199.4. Reentry Advisory Council; creation; members; powers and duties

\* \* \*

E. The governor shall appoint ~~twelve~~ thirteen members in accordance with the following provisions:

\* \* \*

(13) One member shall be appointed from a list of three nominations from the Council on the Children of Incarcerated Parents and Caregivers.

\* \* \*

O. Any appointed member who is absent for two meetings out of four consecutive meetings of the council may be disqualified and removed from the council membership. The council shall notify the nominating entity if the person has been removed from the council membership pursuant to this Subsection and request that the appointing entity provide a list of three nominees to the governor to fill the vacancy. The former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 237

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HOUSE BILL NO. 465  
BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON  
AN ACT

To amend and reenact R.S. 29:725.4 and to enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1371 through 1376, relative to the 4.9 GHz band; to provide for authority; to provide definitions; to provide a policy for leasing; to provide parameters on auctioning; to exempt certain parishes; to require reporting; to create task forces; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:725.4 is hereby amended and reenacted to read as follows:  
§725.4. Office of interoperability; creation and authority

A. The office of interoperability is established within the Governor's Office of Homeland Security and Emergency Preparedness. The office shall have the authority to oversee, direct, and manage interoperability programs and efforts identified in the statewide communications interoperability plan in coordination with local, state, and federal officials. The office shall address critical interoperability issues relating to public safety and emergency response, including communications, spectrum, networks, equipment, training, and other areas as needs are identified, except as provided for in Subsection B of this Section.

B. The office shall not have the authority to oversee, direct, or manage the

fifty megahertz of spectrum in the 4940 to 4990 megahertz band, commonly referred to as the 4.9 GHz band. Section 2. Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1371 through 1376, is hereby enacted to read as follows:

CHAPTER 12-A. 4.9 GHz ALLOCATION

§1371. Short title

This Chapter shall be known and may be cited as the "4.9 GHz Allocation Act".

§1372. Definitions

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

(1) "4.9 GHz band" means the fifty megahertz of spectrum in the 4940 to 4990 megahertz band.

(2) "Office" means the office under the direction of the executive director of broadband development and connectivity.

§1373. Auctioning of the 4.9 GHz band; authority; policy requirements

A. The office is hereby designated as the lessor of the 4.9 GHz band, in accordance with Federal Communications Commission rules. The office shall oversee, manage, and direct the leasing of the 4.9 GHz band in accordance with all rules and regulations provided in FCC-20-137.

B. The office shall develop a policy for leasing the 4.9 GHz band. The office shall ensure that the policy complies with the federal regulations provided for in Subsection A of this Section and meets all of the following requirements:

(1) Utilizes a blind auction method in which any natural or juridical person interested in leasing the 4.9 GHz band may submit bids to the office, and shall not be provided any information regarding other bids.

(2) Auctions the 4.9 GHz band as follows:

(a) Three portions of the band, each consisting of ten megahertz for Priority Access License.

(b) Reserve ten megahertz of the band for General Authorized Access.

(3) Reserves ten megahertz of the 4.9 GHz band for public safety usage.

(4)(a) Implements a tiered spectrum-sharing architecture, using an approved Spectrum Access System, that provides incumbent and license holder protection.

(b) The Spectrum Access System is required to monitor spectrum utilization, provide interference mitigation control, and provide a reporting mechanism.

(c) In addition to the requirements of Subparagraphs (a) and (b) of this Paragraph the Spectrum Access System is required to include all of the following capabilities:

(i) Radio registration transmission.

(ii) Interference analysis.

(iii) Incumbent protection.

(iv) License validation.

(v) Radio channel assignment.

(vi) Radio power limits control.

(vii) License protection.

(5) Implements a tiered spectrum-sharing licensing model, that provides a "use it or share it" licensing scheme to allow the general public and enterprise to have access to General Authorized Access licenses at no cost, when the Priority Access License holder is not using the spectrum in a defined area.

(6) In accordance with FCC-20-137, does not auction or lease any spectrum currently in use by any incumbent, but shall allow an incumbent to consolidate spectrum into one continuous band upon request.

(7) Limits the length of the auction for portions of the 4.9 GHz band to three years, and allows an auction winner who utilizes the band to apply for two additional years of usage of the portions won at auction.

(8) Requires an auction winner to utilize his portion of the 4.9 GHz band or submit to the office plans to utilize his portion of the band within three years from the date of possession. If an auction winner has not utilized his portion of the band or submitted plans for utilization, within the three-year period, the office shall regain possession of his portion of the band and shall auction the portion during the following calendar year.

(9) In the event that there are no winning bids for an auctioned portion of the 4.9 GHz band, requires the office to attempt to auction that portion again within one calendar year.

(10) Requires the initial auction to take place on or before June 10, 2022.

(11) Allocates the proceeds from the auction as follows:

(a) Fifty percent to the office.

(b) Fifty percent to the parish from which the spectrum originated, to be used for public safety equipment.

(12)(a) Prohibits the office from auctioning any portion of the 4.9 GHz band in the following parishes to any natural or juridical person during the 2022 calendar year:

(i) Ascension.

(ii) Bossier.

(iii) Caddo.

(iv) Calcasieu.

(v) DeSoto.

(vi) East Baton Rouge.

(vii) Iberia.

(viii) Jefferson.

(ix) Lafayette.

(x) Lafourche.

(xi) Lincoln.

(xii) Plaquemines.

(xiii) Rapides.

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\* As it appears in the enrolled bill

- (xiv) St. Bernard.
- (xv) St. Charles.
- (xvi) St. James.
- (xvii) St. John the Baptist.
- (xviii) St. Tammany.
- (xix) Terrebonne.
- (xx) West Baton Rouge.

(b) Prohibits the office from auctioning any portion of the 4.9 GHz band in Ouachita Parish to any natural or juridical person.

§1374. Reporting Requirements

A. The office shall require auction winners, incumbents, and entities using the 4.9 GHz band for public safety to submit reports to the office on or before January 1, 2023. The report shall include the following:

- (1) The amount of the 4.9 GHz band being used by the reporting person.
- (2) The specific bands of the 4.9 GHz band that are being used by the reporting person.
- (3) The purpose for which the reporting person is using the 4.9 GHz band.
- (4) Any other information the office requires.

B. The office shall submit a report regarding the status of the 4.9 GHz band to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs prior to March 1, 2023. The report shall include the following:

- (1) All users of the 4.9 GHz band including auction winners, incumbents, and entities using the band for public safety.
- (2) The funds raised due to the auction of the 4.9 GHz band.
- (3) Approximately how many people have been connected through use of the 4.9 GHz band.

§1375. Commercial use task force; establishment; chair; membership; consideration; reporting requirement

A. Prior to January 1, 2023, the office shall establish, facilitate, and maintain a task force to study the commercial effects of the 4.9 GHz band use in this state. The executive director of broadband development and connectivity shall serve as chair of the task force, and the remainder of the task force is to be composed of the following members:

- (1) The governor or his designee.
- (2) The speaker of the House of Representatives or his designee.
- (3) The president of the Senate or his designee.
- (4) The chairman of the House Committee on Commerce or his designee.
- (5) The chairman of the Senate Committee on Commerce, Consumer Protection, and International Affairs or his designee.

B. The task force shall hold the first meeting no later than January 31, 2022, and shall continue to meet, as often as necessary, until January 1, 2025. The task force shall meet at least twice per calendar year.

C. The task force shall examine how the 4.9 GHz band is being utilized commercially and consider other potential uses for the band.

D. The task force shall submit a report making recommendations as to how to utilize the 4.9 GHz band to the legislature no later than six months before the convening of the 2024 Regular Session.

E. The Division of Administration shall provide staff support as necessary to carry out the provisions of this Section.

§1376. Public use task force; establishment; chair; membership; consideration; reporting requirements.

A. Prior to January 1, 2022, the office shall establish, facilitate, and maintain a task force to study the public use of the 4.9 GHz band use in this state. The executive director of broadband development and connectivity shall serve as chair of the task force, and the remainder of the task force is to be composed of the following members:

- (1) A representative of the Louisiana State Firemen's Association.
- (2) A representative of the Louisiana Sheriffs' Association.
- (3) A representative of the Louisiana State Police.
- (4) A representative of the Louisiana Ambulance Alliance.
- (5) A representative of the Louisiana Chapter of the Association of Public-Safety Communications Officials.
- (6) An appointee of the chair of the House Committee on Commerce.
- (7) An appointee of the chair of the Senate Committee on Commerce, Consumer Protection, and International Affairs.

B. The task force shall hold the first meeting no later than January 31, 2022, and shall continue to meet as often as necessary until January 1, 2025. The task force shall meet at least twice per calendar year.

C. The task force shall consider how to ensure that the commercial utilization of the 4.9 GHz band does not interfere with public safety.

D. Beginning in January of 2023, the task force shall submit an annual report to the legislature, with the final report being submitted in January of 2025. The report shall contain the findings of the task force and may contain recommendations from the task force.

E. The Division of Administration shall provide staff support as necessary to carry out the provisions of this Section.

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 238**

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HOUSE BILL NO. 477

BY REPRESENTATIVE STAGNI AND SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CONNICK, CORTEZ, FIELDS, FOIL, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, POPE, PRICE, SMITH, TALBOT, TARVER, AND WARD  
AN ACT

To enact R.S. 37:2354(B)(4), (C)(4), (F), and (G) and Section 16 of Act No. 251 of the 2009 Regular Session of the Legislature of Louisiana, relative to the Louisiana State Board of Examiners of Psychologists; to provide for assistants to a psychologist; to provide for licensure and license renewal fees; to establish fees for continuing professional development activities; to provide for special services; to provide for rulemaking by the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2354(B)(4), (C)(4), (F), and (G) are hereby enacted to read as follows:  
§2354. Fees

\* \* \*

B. \* \* \*

(4) The board shall charge an application fee for the initial registration of each assistant to a psychologist that shall not exceed fifty dollars. The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

C. \* \* \*

(4) The board shall charge an annual renewal fee for every assistant to a psychologist in this state during the month of July of each year, beginning in the year immediately subsequent to his initial registration. Such renewal fee shall not exceed fifty dollars. The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

\* \* \*

F.(1) The board shall assess an application and renewal fee to an individual who sponsors a continuing professional development course or activity and seeks review and pre-approval of a continuing professional development course or activity. The application and renewal fee shall be in an amount not to exceed two hundred fifty dollars.

(2) The board shall assess an application fee to a licensee who seeks review and pre-approval of a continuing professional development course or activity. The application fee shall be an amount not to exceed twenty-five dollars. The application fee shall apply only if a licensee intends to earn a credit for the course or activity in which the sponsor has not sought review or obtained approval by the board.

(3) The board may collect reasonable admission fees from a licensee who elects to attend a continuing professional development course or activity which may be offered, sponsored, or co-sponsored by the board. Such course or activity shall be an elective to a licensee who attends and the board shall not require attendance for such activity.

(4) The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Subsection.

G.(1) The board may assess an administrative fee in an amount not to exceed two hundred dollars for special services including but not limited to any of the following:

- (a) Application for authority to conduct telesupervision.
- (b) Application for an inactive license or renewal license status.
- (c) Application for emeritus status and renewal.
- (d) Any written or computer-generated license verification.
- (e) Any written or computer-generated disciplinary report.
- (f) To obtain a duplicate license.
- (g) To obtain a duplicate renewal certificate.
- (h) To obtain a mail list.

(2) The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Subsection.

Section 2. Section 16 of Act No. 251 of the 2009 Regular Session of the Legislature of Louisiana is hereby enacted to read as follows:

Section 16. This Act shall be known and may be cited as "The Dr. James W. Quillin, MP, Medical Psychology Practice Act".

Approved by the Governor, June 11, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 239**

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HOUSE BILL NO. 550  
BY REPRESENTATIVE MUSCARELLO  
AN ACT

To amend and reenact R.S. 32:413 and to enact R.S. 40:1321.1, relative to the issuance of duplicate driver's licenses and special identification cards; to provide for the issuance fee for duplicate driver's licenses and special identification cards; to provide for the department's immunity from liability for receipt of an applicant's statement and sworn affidavit from a physician connected to the issuance of a duplicate driver's license and special identification card in certain actions resulting from driving accidents; to

provide for the department's immunity for the issuance of an unlawfully obtained special identification card; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:413 is hereby amended and reenacted to read as follows:  
§413. Loss or destruction of licenses

A. If any driver's license shall be lost or destroyed, the person to whom it was issued shall submit satisfactory proof to the office of motor vehicles of such loss or destruction and shall apply for, within ten days after such loss or destruction, a duplicate license. ~~may apply for a duplicate driver's license at a motor vehicle office, an authorized agent of the office of motor vehicles, or through the motor vehicle website online application. Any application submitted pursuant to this Section shall include a statement executed by the applicant attesting to the facts regarding the lost or destroyed driver's license.~~

B. For each duplicate driver's license so issued there a five dollar charge shall be collected ~~the sum of five dollars~~, except no fee shall be charged to a child who is in foster care, as defined in Article 603 of the Louisiana Children's Code Article 603. However, if the original license was stolen as evidenced by a police report, ~~there shall be no collection of this charge or the charge provided for in this Subsection and the handling charge as provided for in R.S. 32:412.1 shall not be collected.~~

C. If any driver's license which was issued to a Louisiana domiciliary or resident who is temporarily out of state, or who is a domiciliary or resident who is an active member of the Armed Forces, or who is a domiciliary resident dependent of a member of the active Armed Forces, in lieu thereof has been lost or destroyed, the person to whom ~~who~~ was issued the driver's license was issued, or a the person who has power of attorney for the person to whom the driver's license was issued, may submit satisfactory proof to the office of motor vehicles of ~~such~~ the loss or destruction and may apply for a duplicate driver's license.

D.(1) The holder of a valid driver's license, regardless of class, may apply for a duplicate driver's license by mail or electronic commerce, except as follows:

(a) No duplicate driver's license by mail or electronic commerce shall be granted if a previous duplicate license was issued prior to the license expiration.

(b) No duplicate driver's license by mail or electronic commerce shall be granted to an alien student or nonresident alien.

(2) The department may establish rules and regulations to grant or deny a duplicate driver's license by mail in cases where a Louisiana resident is temporarily domiciled out of the state or out of the country, or temporarily residing, employed, or attending school in a foreign state or country, even if the resident does not meet the qualification criteria in this Section.

(3) The application for a duplicate driver's license by mail or electronic commerce shall include the following:

(a) A statement from the applicant that he has not experienced any loss of consciousness other than normal sleep and has no current physical or mental condition which would impair his ability to operate a motor vehicle safely.

(b) A statement from the applicant indicating that all motor vehicles owned by the applicant are covered by liability insurance or security and coverage will be maintained until such time as a vehicle is no longer used on the highways of this state, or until a vehicle is transferred to another person or entity.

(c) A sworn affidavit by a physician certifying that the person possesses all cognitive functions reasonably necessary to be a prudent driver if the person seeking the duplicate driver's license is seventy years of age or older.

(4) Upon receipt of the required statements by the department and upon the issuance of a duplicate driver's license, the state, the department, or any department employee shall not be liable for any property damages, injuries, or deaths that may arise from an applicant's involvement in an accident when the accident may be attributed to the applicant's medical condition that may have existed which rendered him incapable of operating a motor vehicle safely.

(5) When a duplicate driver's license is issued by mail or electronic commerce, the department shall issue a duplicate driver's license with the same expiration date as the previously issued driver's license.

(6) The department shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

(7) For purposes of this Section a valid driver's license does not include:  
(a) A suspended, disqualified, expired, or canceled license, regardless of class.

(b) A commercial driver's license for a holder that does not meet all requirements for licensure under federal law, state law, or both.

(c) A hardship driver's license.

(d) Any driver's license for which there is a block on any further issuance of any kind, whether or not the license is suspended or disqualified.

(8) Any online transaction shall be assessed the fee authorized and approved in R.S. 49:316.1.

Section 2. R.S. 40:1321.1 is hereby enacted to read as follows:

§1321.1. Duplicate special identification cards; lost or destroyed

A. When a special identification card is lost or destroyed, the person who was issued the card may apply for a duplicate special identification card at a motor vehicle office, an authorized agent of the office of motor vehicles, or through the motor vehicle website online application. Any application submitted pursuant to this Section shall include a statement executed by the applicant attesting to the facts regarding the lost or destroyed special

identification card.

B. For each duplicate special identification card so issued a five dollar charge shall be collected, except no fee shall be charged to a child who is in foster care, as defined in Children's Code Article 603. However, if the original special identification card was stolen as evidenced by a police report, the charge provided for in this Subsection and the handling charge provided for in R.S. 32:412.1 shall not be collected.

C. If any special identification card which was issued to a Louisiana domiciliary or resident who is temporarily out of state or an active member of the Armed Forces, or who is a domiciliary resident dependent of a member of the active Armed Forces, in lieu thereof has been lost or destroyed, the person who was issued the special identification card, or a person who has power of attorney for the person to whom a special identification card was issued, may submit satisfactory proof to the office of motor vehicles of the loss or destruction and may apply for a duplicate special identification card.

D.(1) The holder of a valid special identification card may apply for a duplicate special identification card by mail or electronic commerce, except as follows:

(a) No duplicate special identification card by mail or electronic commerce shall be granted if a previous duplicate special identification card was issued prior to the card's expiration.

(b) No duplicate special identification card by mail or electronic commerce shall be granted to an alien student or nonresident alien.

(2) The department may establish rules and regulations to grant or deny a duplicate special identification card by mail in cases where a Louisiana resident is temporarily domiciled out of state or out of the country, or temporarily residing, employed, or attending school in another state or foreign country, even if the resident does not meet the qualification criteria in this Section.

(3) Upon receipt of all required statements by the department and upon the issuance of a duplicate special identification card, the state, the department, or any department employee shall not be liable for any property damages, injuries, or deaths that may arise from an applicant's use of the special identification card if the special identification card was unlawfully obtained.

(4) When a duplicate special identification card is issued by mail or electronic commerce, the department shall issue a duplicate special identification card with the same expiration date as the previously issued special identification card.

(5) The department shall promulgate rules and regulations necessary to implement the provisions of this Section.

(6) Any online transaction shall be assessed the fee authorized and approved in R.S. 49:316.1.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 240

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HOUSE BILL NO. 560  
BY REPRESENTATIVE EMERSON  
AN ACT

To amend and reenact Code of Criminal Procedure Article 211(A)(1) and (B)(1), relative to arrest; to provide for summons in lieu of arrest for certain offenses; to provide relative to officer discretion to make an arrest under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 211(A)(1) and (B)(1) are hereby amended and reenacted to read as follows:

Art. 211. Summons by officer instead of arrest and booking

A.(1) When it is lawful for a peace officer to arrest a person without a warrant for a misdemeanor, or for a felony charge of theft or illegal possession of stolen things when the thing of value is five hundred dollars or more but less than one thousand dollars, he may shall issue a written summons instead of making an arrest if ~~an~~ unless one or more of the following conditions exist:

(a) The officer has reasonable grounds to believe that the person will not appear upon summons.

(b) The officer has ~~no~~ reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked.

(c) There is ~~no~~ a necessity to book the person to comply with routine identification procedures.(d) ~~If an~~ The officer issues a summons for a felony described in this Paragraph, the officer issuing the summons has ascertained that the person has ~~no~~ two or more prior criminal felony convictions.  
\* \* \*

B.(1) When a peace officer has reasonable grounds to believe a person has committed the offense of issuing worthless checks as defined by R.S. 14:71, he may shall issue a written summons instead of making an arrest if ~~an~~ unless either of the following conditions exist:

(a) He has reasonable grounds to believe that the person will not appear upon summons.

(b) He has ~~no~~ reasonable grounds to believe that the person will cause injury to himself or another or damage to property unless immediately arrested.  
\* \* \*

Approved by the Governor, June 11, 2021.

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**ACT No. 241**

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**HOUSE BILL NO. 655**  
**BY REPRESENTATIVE BROWN**  
**AN ACT**

To amend and reenact R.S. 56:6.1(C), 31, 32, 45, 262(J), 316(C), 326(G), 326.5(C), 410.3(B), 412(B), 423(B)(2), 450(C), 571(D), and 1851(C), and to enact R.S.56:32.1, 303.2(D), 304.2(C), and 305.3(C), relative to wildlife violations; to remove criminal penalties from certain Class 1, 2, and 3 wildlife violations; to reclassify certain violations under Class 2 and 3; to establish administrative and civil procedures relative to hearings and the recovery of civil penalties by the department; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:6.1(C), 31, 32, 45, 262(J), 316(C), 326(G), 326.5(C), 410.3(B), 412(B), 423(B)(2), 450(C), 571(D), and 1851(C) are hereby amended and reenacted and R.S.56:32.1, 303.2(D), 304.2(C), and 305.3(C) are hereby enacted to read as follows:

§6.1. Emergency closure of hunting or fishing seasons; rules and regulations; prohibitions; penalties

\* \* \*

C. Violation of any closure order authorized by this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§31. Class one violations

The following penalties shall be imposed for a class one violation:

(1) For the first offense, a fine of fifty dollars ~~or imprisonment for not more than fifteen days, or both.~~ The fine shall include all costs of court.

(2) For the second offense, a fine of not less than seventy-five dollars nor more than two hundred fifty dollars ~~or imprisonment for not less than thirty days nor more than sixty days, or both.~~(3) For the third offense and all subsequent offenses, a fine of not less than two hundred dollars nor more than five hundred fifty dollars ~~and imprisonment for not less than thirty days nor more than ninety days.~~

\* \* \*

§32. Class two violation

A. Class two violations shall be divided into 2-A and 2-B violations.

(1) The following penalties shall be imposed for a class ~~two~~ 2-A violation:

~~(1)(a) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;~~

~~(2)(b) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;~~

~~(3)(c) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture to the commission of anything seized in connection with the violation.~~

(2) The following penalties shall be imposed for a class 2-B violation:

(a) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars.

(b) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and forfeiture to the commission of anything seized in connection with the violation.

(c) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and forfeiture to the commission of anything seized in connection with the violation.

(d) In addition to any other penalty, for a second or subsequent violation of the same provision of law, the penalty imposed may include revocation of the permit or license under which the violation occurred for the period for which it was issued and barring of the issuance of another permit or license for that same period.

§32.1. Civil suit for recovery of value

A. The department is authorized to bring a civil action to recover the penalties established by R.S. 56:31 and R.S. 56:32 in this Subpart.

B. The department may elect to enforce the provisions of R.S. 56:31 and R.S. 56:32 by adjudicatory hearing held in accordance with the provisions of the Administrative Procedures Act. The department shall hold the adjudicatory hearing in the regional office for the parish where the defendant is domiciled or where the violation occurred. The defendant may waive the adjudicatory hearing upon payment of the fine.

C.(1) In any case where the department elects to proceed by adjudicatory hearing, the defendant shall be notified in writing of the time and place set for the hearing. Written notice of the time and place of the hearing may be given on any citation or summons issued in connection with the violation or made by certified letter mailed to the defendant at his last known address or at the address that appears on any hunting or fishing license issued to him by the department. The summons or written notice shall constitute notice to the defendant that the failure to appear at the specified time and location shall result in the assessment of civil penalties and the loss of all hunting and

fishing privileges while assessed amounts remain unpaid. Notice given by certified mail in accordance with this Subsection shall be deemed effective fifteen days after the notice is postmarked and mailed.

(2) Either party may appeal from a ruling of the administrative hearing officer to the district court in the judicial district where the offense occurred.

(3) Once all appeals deadlines have expired, a ruling of the administrative law judge shall be considered final for the purposes of debt recovery or collection.

D. Except for first offenses of class one violations, the person against whom the civil penalties are assessed shall also be liable for attorney fees and all costs of the adjudicatory hearing.

E. Any recovery of civil penalties shall be immediately deposited to the Conservation Fund of the Department of Wildlife and Fisheries.

\* \* \*

§45. Jurisdiction of trial of violations

Except as provided in R.S. 56:32.1, the ~~The~~ district courts of this state shall have original jurisdiction of the trial of persons charged with violations of this Chapter.

\* \* \*

§262. Nongame quadrupeds; breeding, propagation, and exhibition

\* \* \*

J. Violation of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§303.2. License possession; menhaden

\* \* \*

D. Violation of any of the provisions of this Section constitutes a class 2-B violation.

\* \* \*

§304.2. Operation by person not holding a commercial fisherman's license

\* \* \*

C. Violation of any of the provisions in this Section constitutes a class 2-B violation.

\* \* \*

§305.3. Temporary transfer of commercial gear licenses

\* \* \*

C. Violation of any of the provisions in this Section constitutes a class 2-B violation.

\* \* \*

§316. Trespass on areas set aside for propagation of fish

\* \* \*

C. Violation of any of the provisions of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§326. Size and possession limits; commercial fish

\* \* \*

G. Violation of any provision of this Section for which no penalty has been specifically provided constitutes a class ~~three~~ 2-B violation.

\* \* \*

§326.5. Bowfin; size limitations; eggs

\* \* \*

C. Violation of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§410.3. Sabine Lake; taking of crabs; seasons; gear; penalties

\* \* \*

B. Violation of any rule or regulation adopted and promulgated by the commission in accordance with the provisions of Subsection A of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§412. Issuance and renewal of domesticated aquatic organism license

\* \* \*

B. Violation of any of the provisions of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*

§423. Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims

\* \* \*

B.

\* \* \*

(2) No person shall trawl or seine or use skimmer nets over any area of privately leased bedding grounds or oyster propagating place in the year immediately following the seeding of such area which is staked off, marked, or posted as required by law or regulation. Any person who knowingly trawls or uses skimmer nets upon such marked areas shall be liable for damages caused to the lessee. A violation of this Paragraph shall be a class ~~three~~ 2-B violation.

\* \* \*

§450. Freshwater mussels; rules; penalties

\* \* \*

C. Any violation of rules pertaining to the harvest and sale of freshwater mussels shall constitute a class four violation, R.S. 56:34. Any violation of harvest reporting requirements shall constitute a class ~~three~~ 2-B violation, R.S. ~~56:33~~; R.S. 56:32(A)(2).

\* \* \*

§571. Underutilized species, policy and purpose; permits; fees; rules and regulations

\* \* \*

D. Violation of any of the provisions of this Section constitutes a class ~~three~~ 2-B violation.

\* \* \*  
§1851. Penalties and enforcement

\* \* \*  
C. Unless otherwise provided by this Part, intentional violation of the provisions of this Part constitutes a class ~~three~~ 2-B violation, ~~subject to the penalties provided in R.S. 56:33~~; however, there shall be no forfeiture of anything seized in connection with the violation.

\* \* \*  
Approved by the Governor, June 11, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 242**  
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HOUSE BILL NO. 703 (Substitute for House Bill No. 455 by Representative DuBuisson)  
BY REPRESENTATIVE DUBUISSON  
AN ACT

To enact R.S. 22:918, relative to the use of genetic testing in underwriting for life and long-term care insurance and annuities policies; to generally prohibit insurers from considering or requiring genetic research and testing in underwriting decisions for life and long-term care insurance and annuities policies; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:918 is hereby enacted to read as follows:

§918. Prohibited discrimination; genetic information derived from participation in genetic or clinical research; definitions

A. As used in this Section, the following definitions apply:

(1) "DNA" means deoxyribonucleic acid including mitochondrial DNA and complementary DNA, as well as any DNA derived from ribonucleic acid (RNA).

(2) "Family member" means an individual's blood relatives.

(3) "Genetic information" means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically or medically believed to cause a disease, disorder or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome which is asymptomatic at the time of testing. The term "genetic information" does not include information about an individual's sex, age, or family history.

(4) "Genetic services" means a genetic test or genetic counseling, including obtaining, interpreting, or assessing genetic information, or genetic education.

(5) "Genetic test" means an analysis of human DNA, RNA, or chromosomes that detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include routine physical examinations or chemical, blood, or urine analysis, questions regarding family history, or any test performed due to the presence of signs, symptoms, or other manifestations of a disease, illness, impairment, or other disorder.

(6) "Individual" means an applicant for coverage or a person already covered by an insurer.

(7) "Insurer" means an authorized insurer as defined by R.S. 22:46 engaged in the business of making life insurance policies, long-term care insurance policies, or annuity contracts including a group insurance plan, or insurance agents and third-party administrators.

B. An insurer, in determining eligibility for coverage, establishing premiums, limiting coverage, or making any other underwriting decisions, shall not do either of the following:

(1) Take into consideration the fact that an individual or a family member of the individual participated in genetic research, including any request for or receipt of genetic services or participation by an individual or family member in clinical research that includes genetic services, unless the results of that genetic research are included in the individual's medical record or provided by the individual for consideration by the insurer.

(2) Require or request an individual or a family member of the individual to take a genetic test.

C. An insurer shall not do any of the following:

(1) Cancel or refuse to renew an existing policy based on the fact that an individual or a family member of the individual requested or received genetic services.

(2) Cancel or refuse to renew an existing policy based on the fact that an individual or a family member of the individual participated in genetic research, including clinical research that includes genetic services.

(3) Purchase genetic information about an individual without the individual's written consent.

D. Nothing in this Section shall be construed as preventing an insurer from doing any of the following:

(1) Accessing an individual's medical record as part of the application process.

(2) Establishing rules for eligibility for an individual to enroll in insurance coverage based on the manifestation of a disease or disorder in that individual.

(3) Adjusting premium or contribution amounts for an individual based on

the manifestation of a disease or disorder in that individual.

(4) Increasing the premium for an employer based on the manifestation of a disease or disorder in an individual enrolled in a group plan.

(5) Considering genetic information contained in an applicant's medical record if the information is relevant to a potential medical condition that impacts mortality or morbidity, and consideration of the genetic information is based on sound actuarial principles or reasonably expected experience.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 243**  
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HOUSE BILL NO. 708 (Substitute for House Bill No. 83 by Representative Fontenot)  
BY REPRESENTATIVE FONTENOT  
AN ACT

To enact Code of Criminal Procedure Articles 311(8) and (9) and 330.1, relative to bail; to provide definitions; to provide relative to the posting and payment of bail obligations; to provide relative to the transportation of persons in custody; to provide relative to applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 311(8) and (9) and 330.1 are hereby enacted to read as follows:

Art. 311. Definitions

For the purpose of this Title, the following definitions shall apply:

\* \* \*  
(8) The originating jurisdiction is the jurisdiction where the warrant for the arrest was issued and where the charges are pending.

(9) The executing jurisdiction is the jurisdiction where the defendant is arrested and incarcerated on a warrant for arrest.

\* \* \*  
Art. 330.1. Posting bail when arrested outside of originating jurisdiction

A. Notwithstanding any provisions of law to the contrary, a person who is arrested and booked in an executing jurisdiction pursuant to a warrant for arrest issued by the originating jurisdiction may be released from custody when bail is posted under the following conditions:

(1) The amount of the bail obligation is included on the warrant for arrest. If the warrant for arrest does not include the amount of the bail obligation, the amount may be set within forty-eight hours by anyone in the originating jurisdiction who is authorized to set bail pursuant to Article 314. If a personal surety undertaking is authorized, the personal surety undertaking shall be in accordance with either Article 323 or Article 324.

(2) There are no holds, court orders, or other legal impediments that would prohibit the release of the arrested person from custody.

(3) The executing jurisdiction does not object. If the executing jurisdiction objects, the originating jurisdiction shall comply with existing provisions of law relative to bail. The originating jurisdiction shall retain the right to transport or to have the person in custody transported to the originating jurisdiction for the purpose of posting bail in the originating jurisdiction.

(4) Written notice shall be provided to the executing jurisdiction when bail is posted in the originating jurisdiction and release from custody is authorized. When released, the executing jurisdiction shall provide notice in accordance with Article 330 to the arrested person. The originating jurisdiction shall deliver to the executing jurisdiction the information necessary to provide such notice to the arrested person. The notice shall include the date, time, and location of any required court appearances as well as any conditions of bail. Notwithstanding any provisions of law to the contrary, an electronic copy, digital copy, or photocopy of the arrested person's signature on the notice shall be the equivalent of an original signature.

B. The provisions of this Article shall not apply to warrants for sex offenses, homicides and crimes resulting in a death or deaths, felony domestic violence offenses, and aggravated offenses.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 244**  
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HOUSE BILL NO. 363  
BY REPRESENTATIVE TARVER  
AN ACT

To amend and reenact R.S. 47:463.139(C), (E), and (F) and to repeal R.S. 47:463.139(G), relative to the Protect Wild Dolphins special prestige license plate; to provide for design consultation; to provide relative to the annual royalty fee; to provide relative to the purpose of the plate; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.139(C), (E), and (F) are hereby amended and reenacted to read as follows:

§463.139. Special prestige license plate; Protect Wild Dolphins

\* \* \*  
C. The secretary shall design the plates, which shall bear the dolphin logo and slogan "Protect Wild Dolphins". The license plate shall be designed in consultation with ~~EarthEcho International, Incorporated~~ Protect Wild Dolphins Alliance, Inc.

\* \* \*  
E. The annual royalty fee shall be collected by the department and forwarded to ~~EarthEcho International, Incorporated~~ Protect Wild Dolphins Alliance, Inc. The monies received from the royalty fees shall be used solely for the support of scientific research, conservation, and educational programs that serve to restore and protect the ocean environment and freshwater systems and to protect wild dolphins by ~~EarthEcho International, Incorporated~~. Twenty-five percent of the funds may be utilized for continuing promotion and marketing of the license plate and cause.

~~F. The purpose of such plate is to recognize and support the many contributions to environmental protection by EarthEcho International, Incorporated.~~

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

Section 2. R.S. 47:463.139(G) is hereby repealed.

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 245**

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HOUSE BILL NO. 517  
BY REPRESENTATIVE THOMAS AND SENATOR HENRY

AN ACT

To amend and reenact R.S. 9:2773(A), relative to limitations on the responsibility of agents, contractors, and representatives of proprietors; to provide for the limitation of liability for ultrahazardous activity; to provide for prospective application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2773(A) is hereby amended and reenacted to read as follows:

§2773. Limitations on the responsibility of agents, contractors, and representatives

A. It is the public policy of the state that the responsibility which may be imposed on an agent, contractor, or representative by reason of the responsibility of proprietors for ultrahazardous activity under Civil Code Article 667 of the Louisiana Civil Code or ultrahazardous activity under any other provision of law shall be limited solely to the obligation of such agent, contractor, or representative to act as the surety of such proprietor in the event the proprietor is held to be responsible to his neighbor for damage caused him and resulting from the work of such agent, contractor, or representative, and only in the event the proprietor is unable to satisfy any claim arising out of such damage. The agent, contractor, or representative who is responsible for damages, as limited by this Section, shall have a right of action against the proprietor for any damages, costs, loss, or expense which he may suffer in his capacity as the surety of the proprietor.

\* \* \*  
Section 2. This Act shall apply to any suit filed on or after the effective date 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. 246**

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HOUSE BILL NO. 549  
BY REPRESENTATIVE MCCORMICK

AN ACT

To amend and reenact R.S. 30:2363(7) and (13), relative to the reporting of hazardous material releases; to provide for definitions; to provide for the applicability of reporting requirements under the Hazardous Materials Information Development, Preparedness, and Response Act and laws regarding hazardous materials transportation and motor carrier safety; to provide relative to natural gas pipelines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2363(7) and (13) are hereby amended and reenacted to read as follows:

§2363. Definitions

The following terms as used in this Chapter shall have the following meanings:

\* \* \*  
(7) "Facility" means the physical premises used by the owner or operator in which the hazardous materials are manufactured, used, or stored. A natural gas pipeline, including but not limited to transmission and distribution assets, shall be considered a facility and subject to the reporting requirements for facilities under this Chapter. A natural gas pipeline shall not be considered a transport vehicle or otherwise subject to the reporting requirements under Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950, regarding hazardous materials transportation and motor carrier safety. A natural gas pipeline shall not be classified as a compressed natural gas facility.

\* \* \*(13) "Owner or operator" means any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, departments, bureaus, or instrumentalities engaged in business or research operations which use, manufacture, emit, or store a hazardous material at in a facility.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 247**

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HOUSE BILL NO. 652  
BY REPRESENTATIVES GLOVER, WILFORD CARTER, COX, GREEN,  
HUGHES, JONES, LANDRY, MARCELLE, NELSON, PIERRE, AND  
SELDERS

AN ACT

To amend and reenact R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i), relative to marijuana; to provide relative to penalties for possession of marijuana; to amend criminal penalties for a first or subsequent conviction of possession of marijuana; to provide relative to penalties for the possession of certain amounts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i) are hereby amended and reenacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

\* \* \*  
C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

\* \* \*  
(2) A substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:

(a)(i) On a first conviction or any subsequent conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three one hundred dollars, ~~imprisoned in the parish jail for not more than fifteen days, or both.~~

(ii) If an offender upon whom a fine has been imposed under this Subparagraph alleges indigency, or otherwise fails to pay the imposed fine, the court shall determine whether the defendant has willfully refused to pay or has made bona fide efforts to legally acquire resources to pay. If an offender has not willfully refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the court shall use its discretion to alternatives, including installment payments or community service.

(iii) This Subparagraph shall be enforced by use of summons in lieu of custodial arrest, in accordance with Code of Criminal Procedure Article 211.

\* \* \*  
(d) On a second conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(e)(i) On a third conviction, wherein the offender possesses more than fourteen grams, the offender shall be sentenced to imprisonment, with or without hard labor, for not more than two years, shall be fined not more than two thousand five hundred dollars.

\* \* \*  
(f)(i) On a fourth or subsequent conviction, wherein the offender possesses more than fourteen grams, the offender shall be sentenced to imprisonment with or without hard labor for not more than eight years, shall be fined not more than five thousand dollars, or both.

\* \* \*  
Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 248**

HOUSE BILL NO. 15  
BY REPRESENTATIVES MACK AND VILLIO  
AN ACT

To enact R.S. 14:68.4.1 and 68.4.2 and R.S. 15:1352(A)(67) and (68), relative to motor vehicles; to create the crimes of staging of a motor vehicle collision and aggravated staging of a motor vehicle collision; to provide for definitions; to provide for criminal penalties; to provide for additional crimes that are elements of racketeering activity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:68.4.1 and 14:68.4.2 are hereby enacted to read as follows:  
§68.4.1. Staging of a motor vehicle collision

A. Staging of a motor vehicle collision is any of the following with an intent to defraud:

(1) Causing a motor vehicle collision for the purpose of obtaining anything of value.

(2) Providing information in connection with a motor vehicle collision, knowing that the collision was intentionally caused, for the purpose of obtaining anything of value.

(3) Providing false information in connection with a motor vehicle collision that did not occur for the purpose of obtaining anything of value.

B. Whoever commits the crime of staging of a motor vehicle collision shall be imprisoned, with or without hard labor, for not more than five years, fined not more than five thousand dollars, or both. §68.4.2. Aggravated staging of a motor vehicle collision

A. Aggravated staging of a motor vehicle collision is the staging of a motor vehicle collision, as defined in R.S. 14:68.4.1, which causes death or serious bodily injury to another person.

B. Whoever commits the crime of aggravated staging of a motor vehicle collision shall be imprisoned, with or without hard labor, for not less than five years nor more than thirty years, fined not more than fifteen thousand dollars, or both.

Section 2. R.S. 15:1352(A)(67) and (68) are hereby enacted to read as follows:  
§1352. Definitions

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

\* \* \*

(67) R.S. 14:68.4.1 (Staging of a motor vehicle collision)

(68) R.S. 14:68.4.2 (Aggravated staging of a motor vehicle collision)

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 249**  
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HOUSE BILL NO. 24  
BY REPRESENTATIVE ADAMS  
AN ACT

To enact R.S. 11:1307.2, relative to State Police Pension and Retirement System; to provide for the purchase of additional service credits upon retirement; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1307.2 is hereby enacted to read as follows:

§1307.2. Purchase of additional service credit

Any member of the system with a minimum of twelve years of creditable service for regular retirement may, at the time of his retirement, purchase up to five years of service credit in one-year increments. The cost of service credit shall be determined in accordance with R.S. 11:158(C), and the member shall make a lump sum payment of the total cost prior to the date of retirement. He shall submit a letter of intent to purchase service credit with his application to retire not less than thirty days prior to the specified date of retirement. Additional service credit shall not be applied to the member's record until full payment is received. If the member does not retire within the thirty days after the payment is received, the full purchase cost shall be refunded to him and no additional credit will be applied to the service record.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 250**  
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HOUSE BILL NO. 29  
BY REPRESENTATIVE JEFFERSON

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

AN ACT

To amend and reenact R.S. 11:2262(D)(2)(b) and 2265(A)(2) and to enact R.S. 11:2262(D)(2)(c) and 2262.1, relative to the Firefighters' Retirement System; to provide with respect to unfunded accrued liability payments when a fire department is fully or partially dissolved; to provide relative to the assignment of employee contributions to loan repayment; to provide for calculation of benefits; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2262(D)(2)(b) and 2265(A)(2) are hereby amended and reenacted and R.S. 11:2262(D)(2)(c) and 2262.1 are hereby enacted to read as follows:

§2262. Method of financing

\* \* \*

D. Pension accumulation fund

The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows:

\* \* \*

(2)

\* \* \*

(b) Reasonable attorney fees and court costs shall be recoverable by the Firefighters' Retirement System;

(i) If any amount of delinquent payments under Paragraph (B)(1) of this Section and Paragraph (1) of this Subsection are recovered by action in a court of competent jurisdiction against a political subdivision or instrumentality liable.

(ii) In any concursus proceeding instituted pursuant to C.C.P. Art. 4651 et seq., wherein the Firefighters' Retirement System is named as a party.

(c) Alternatively, at the request of the Firefighters' Retirement System, and upon due certification of delinquency to the state treasurer, such amounts shall be deducted from any other monies payable to such subdivision or instrumentality by any department or agency of the state and shall be remitted directly to the Firefighters' Retirement System.

\* \* \*

§2262.1. Dissolution of fire department; unfunded accrued liability; payment by employer

A.(1) If an employer fully dissolves its fire department, the employer shall remit to the system, beginning the first July immediately following the date of dissolution, that portion of the unfunded accrued liability existing on the thirtieth of June immediately prior to the date of dissolution of the fire department that is attributable to such employer and calculated using the allocation percentage included in the prior fiscal year's employer pension report produced according to requirements established by the Governmental Accounting Standards Board. The amount due pursuant to the provisions of this Paragraph shall include interest at the system's valuation interest rate.

(2)(a) If an employer partially dissolves its fire department, the employer shall be liable for a pro rata portion of the system's unfunded accrued liability. The portion shall be calculated by applying the percentage decrease in the salaries paid to participating employees by the employer on the thirtieth of June and salaries paid to participating employees by the employer as of the thirtieth of June of the prior year to the total payment that would have been required pursuant to the provisions of Paragraph (1) of this Subsection if the employer had fully dissolved its fire department. Payments required pursuant to the provisions of this Paragraph shall include interest at the system's valuation interest rate.

(b) An employer shall be deemed to have partially dissolved its fire department if either of the following occurs:

(i) The number of participating employees of the employer as of the thirtieth of June is less than seventy percent of the number of participating employees of the employer on the thirtieth of June of the prior year and either the number of participating employees decreases by at least three or the number of participating employees is zero.

(ii) The number of participating employees of the employer as of the thirtieth of June is at least fifty fewer than the number of participating employees of the employer as of the thirtieth of June of the prior year.

B.(1) Any amount due pursuant to Subsection A of this Section shall be determined by the actuary employed by the system and shall be amortized over fifteen years in equal payments with interest at the system's valuation rate. Payments for withdrawals that occur on or after July 1, 2021, shall be payable beginning the first of July of the second fiscal year following the determination by the actuary and in the same manner as regular payroll payments to the system. Beginning on the first of July of the fiscal year following withdrawal, interest shall accrue at the system's actuarial valuation rate, compounded annually.

(2) If the number of participating employees of an employer subject to Paragraph (A)(2) of this Section returns to at least the number of participating employees as of the thirtieth of June immediately preceding the withdrawal, the payments required by this Section shall cease on the first of July following the determination by the actuary that a sufficient increase in participating employees has occurred, and no further payments shall be due with respect to the withdrawal. Any payments made pursuant to this Section shall be credited as an offset of any amounts due by the employer attributable to any subsequent withdrawal that occurs within fifteen years of the payments.

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 39**

C. If an employer fails to make a payment timely, the amount due shall be collected in any of the following manners:

(1) By action in a court of competent jurisdiction against the delinquent employer. The amount due shall include interest calculated by the system's actuarial valuation rate, compounded annually. The employer shall also be liable for any legal and actuarial fees incurred by the system in the collection of amounts pursuant to this Section.

(2) The board may certify to the state treasurer all amounts attributable to the delinquent employer. In support of such certification, the board shall submit to the treasurer a resolution certifying the name of the delinquent employer, its failure to pay, and the amount owed and shall name a designee or designees to act on the board's behalf. Upon receipt of such certification, the treasurer shall deduct from monies payable to the certified delinquent party the certified amount due and shall remit such deducted amounts directly to the Firefighters' Retirement System.

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

(1) "Participating employee" shall mean an active member or participant in the Deferred Retirement Option Plan.

(2) "Withdrawal" shall mean the dissolution or partial dissolution of a fire department as described in Subsection A of this Section.

\* \* \*

§2265. Assignment of employee contributions; credit union loans

A.

\* \* \*

(2)(a) The member shall authorize the system to deliver or pay the total amount of his accumulated employee contributions to the designated credit union, upon termination or resignation of employment but only if he has less than twelve years of creditable service. If a member who accumulates twelve or more years of creditable service and who, having previously executed a valid assignment of employee contribution, elects to withdraw his accumulated employee contributions, then those contributions may be delivered to the credit union as provided in this Section.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, if a member who has twelve or more years of creditable service and who has executed a valid assignment of employee contributions dies with no person entitled to survivors' benefits as provided in R.S. 11:2256, his contributions shall be delivered to the credit union as provided in this Section.

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 251**

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HOUSE BILL NO. 45  
BY REPRESENTATIVE FARNUM  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E) and (H), relative to city court jurisdiction; to provide relative to the amount in dispute when the civil jurisdiction is concurrent with the district court; to provide for the jurisdictional amount in dispute for the City Court of Sulphur; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4843(E) and (H) are hereby amended and reenacted to read as follows:

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

\* \* \*

E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, ~~the City Court of Sulphur~~, the City Court of Ville Platte, and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty-five thousand dollars.

\* \* \*

H. In the City Court of Alexandria, the Third Ward City Court of Franklin, the City Court of Pineville, the City Court of Slidell, the City Court of Ruston, the City Court of Sulphur, and the City Court of Lake Charles, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed fifty thousand dollars.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 252**

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HOUSE BILL NO. 46  
BY REPRESENTATIVES JAMES, GREEN, AND JORDAN AND SENATOR

BARROW  
AN ACT

To amend and reenact Code of Criminal Procedure Article 701(B)(1)(a), relative to pretrial motions for speedy trial; to provide relative to a defendant in continued custody; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 701(B)(1)(a) is hereby amended and reenacted to read as follows:

Art. 701. Right to a speedy trial

\* \* \*

B. The time period for filing a bill of information or indictment after arrest shall be as follows:

(1)(a) When the defendant is continued in custody subsequent to an arrest, an indictment or information shall be filed within ~~forty-five~~ thirty days of the arrest if the defendant is being held for a misdemeanor and within sixty days of the arrest if the defendant is being held for a felony.

\* \* \*

Section 2. This Act shall become effective 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. 253**

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HOUSE BILL NO. 51  
BY REPRESENTATIVE LACOMBE  
AN ACT

To amend and reenact R.S. 13:2612, relative to territorial limits of justices of the peace and constables; to provide for the number of justices of the peace and constables elected in Pointe Coupee Parish; to provide relative to elections; to provide for applicability; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2612 is hereby amended and reenacted to read as follows: §2612. Territorial jurisdiction; Pointe Coupee Parish justice of the peace courts and constables

Effective ~~January 1, 1997~~ January 1, 2026, the territorial limits of the justice of the peace courts and constables in Pointe Coupee Parish shall be the same as the ~~parish police jury districts~~ eight parish council districts within the parish ~~and the persons elected to the offices of justice of the peace and constable for those courts at the 1996 congressional election shall be elected from those districts. If the police jury council district lines are changed thereafter, the territorial jurisdiction of the justice of the peace courts and constables shall also be changed to coincide with the new police jury council district lines effective at the beginning of the next regular term of office for justices of the peace and constables. However, in the event that the change in police jury council district lines increases or reduces the number of police jury council districts, the territorial jurisdiction of the justice of the peace courts and constables shall not be changed but shall remain the same.~~ Section 2. This Act shall be effective for election purposes with the opening of the qualifying period for the regularly scheduled 2026 primary election for justices of the peace and constables, and the persons elected to the offices of justice of the peace and constable for such justice of the peace courts in Pointe Coupee Parish at the next regularly scheduled election and their successors shall be elected from the districts provided in this Act. The provisions of this Act shall be effective for all other purposes beginning January 1, 2027.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 254**

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HOUSE BILL NO. 62  
BY REPRESENTATIVE BRASS  
AN ACT

To amend and reenact R.S. 47:1923(D)(1)(a), relative to the St. James Parish assessor; to require payment of certain group insurance premiums for certain retirees of the assessor's office; to provide for effectiveness; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1923(D)(1)(a) is hereby amended and reenacted to read as follows:

§1923. Authority for assessors separately or jointly to contract for insurance; payment of premiums

\* \* \*

D.(1)(a) In the parishes of Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, Franklin, Iberia, Iberville,



Jackson, Jefferson, Lafayette, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, and West Feliciana, the assessor shall pay the premium cost of group life, dental, group health, hospital, surgical, or other medical insurance for any assessor or assessor's employee who meets the requirements of Subparagraph (b) of this Paragraph. A uniform policy with respect to the payment of such premium shall be formulated and applied by the assessor of each parish listed in this Subparagraph.

\* \* \*

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. 255**  
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HOUSE BILL NO. 74  
BY REPRESENTATIVE FRIEMAN  
AN ACT

To amend and reenact R.S. 22:337(A)(17) and R.S. 23:1161.1(A) and to enact R.S. 23:1161.1(E), relative to workers' compensation insurers; to require insurers issuing workers' compensation policies in Louisiana to maintain a claims office in Louisiana; to provide for retention by foreign and alien insurers of claim adjusters who possess a Louisiana license; to provide that insurers of workers' compensation policies make any relevant claim adjuster available for deposition via telephone or virtual technology involving a filing of a Disputed Claim for Compensation; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:337(A)(17) is hereby amended and reenacted to read as follows:

§337. Refusal, suspension, and revocation of certificate of authority

A. The commissioner of insurance may refuse, suspend, or revoke the certificate of authority of a foreign or alien insurer whenever he shall find that such insurer:

\* \* \*

(17) Fails to maintain a claims office for processing workers' compensation insurance claims in this state, as required by R.S. 23:1161.1, or to retain the services of Louisiana domiciled independent claims adjusters a claims adjuster who possesses a Louisiana license. This Paragraph shall not apply to reinsurers licensed or accredited to do business in the state.

\* \* \*Section 2. R.S. 23:1161.1(A) is hereby amended and reenacted and

R.S. 23:1161.1 (E) is hereby enacted to read as follows:

§1161.1. Worker's Workers' compensation claims office or licensed claims adjusters; waiver

A. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who issues a policy for ~~worker's~~ workers' compensation in this state shall either establish and maintain a claims office within the state or retain a licensed claims adjuster who possesses a Louisiana license.

\* \* \*

E. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who issues a policy for workers' compensation in this state shall be deemed to consent and agree, in the event of the filing of a Disputed Claim for Compensation in which liability for statutory penalties and attorney fees pursuant to R.S. 23:1201 is at issue, to make any relevant claims adjuster available for deposition via telephone or virtual technology such as Zoom, Skype, or other similar technology and is deemed to have consented and agreed to make the relevant adjuster available for in-person testimony, at the insurer's expense, if the Disputed Claim for Compensation goes to trial.

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 256**  
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HOUSE BILL NO. 87  
BY REPRESENTATIVE ECHOLS  
AN ACT

To enact R.S. 13:2575.8, relative to the city of Monroe; to provide relative to administrative adjudication of certain ordinance violations; to provide definitions for certain violations; to provide relative to the types of violations subject to administrative adjudication procedures; 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. 13:2575.8 is hereby enacted to read as follows:

§2575.8. Additional administrative adjudication procedures; city of Monroe  
A. As applied in the city of Monroe, the term "housing violation" as used in this Chapter shall also encompass building codes, zoning, vegetation, and nuisance ordinances, and ordinances that provide for the regulation of sewerage and drainage systems.

B. In the city of Monroe, the procedures for administrative adjudication provided in this Chapter may also be used in matters involving licensing and permits and any other ordinance violations as determined by the governing authority of the city of Monroe.

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. 257**  
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HOUSE BILL NO. 92

BY REPRESENTATIVES MARINO, BROWN, BRYANT, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GLOVER, GREEN, JAMES, JEFFERSON, JENKINS, JORDAN, LACOMBE, LANDRY, LARVADAIN, LYONS, MAGEE, MARCELLE, MOORE, NEWELL, CHARLES OWEN, AND PIERRE AND SENATORS BARROW AND HARRIS  
AN ACT

To amend and reenact R.S. 15:572.8(H)(2) and (Q), relative to compensation for wrongful conviction and imprisonment; to provide relative to the amount of compensation received by a person who is wrongfully convicted; to provide a process by which certain petitioners may apply for supplemental compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:572.8(H)(2) and (Q) are hereby amended and reenacted to read as follows:

§572.8. Compensation for wrongful conviction and imprisonment; petition process; compensation; proof; assignment of powers and duties

\* \* \*

H.

\* \* \*

(2)(a) Compensation for the physical harm and injury suffered by the petitioner shall be calculated at a rate of twenty-five thousand dollars per year incarcerated, not to exceed a maximum total amount of two hundred fifty thousand dollars, to be paid at a rate of twenty-five thousand dollars annually.

(b) After July 1, 2022, compensation for the physical harm and injury suffered by the petitioner shall be calculated at a rate of forty thousand dollars per year incarcerated, not to exceed a maximum total amount of four hundred thousand dollars, to be paid at a rate of forty thousand dollars annually.

(c) Any petitioner who has not previously been awarded compensation pursuant to the provisions of this Section who files a petition seeking compensation on or after July 1, 2022, has the option to receive a lump sum payment in the amount of two hundred fifty thousand dollars in lieu of receiving forty thousand dollars annually.

\* \* \*

Q. Any Beginning July 1, 2022, any petitioner who has been awarded compensation by the court pursuant to the provisions of this Section, on or after September 1, 2005, and prior to ~~September 1, 2011~~ July 1, 2022, may file a petition seeking supplemental compensation in the amount authorized by the provisions of Subparagraph (H)(2)(b) of this Section. The petitioner shall file a petition seeking supplemental compensation on or before ~~September 1, 2012~~ July 1, 2023, or be forever barred from filing a supplemental petition. Any compensation awarded pursuant to this Subsection shall be awarded at a rate of forty thousand dollars annually.

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 258**  
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HOUSE BILL NO. 144  
BY REPRESENTATIVE STEFANSKI  
AN ACT

To amend and reenact R.S. 33:4574(F)(9), relative to the Acadia Parish Convention and Visitors Commission; to provide for changes to the tourist commission's board of directors; 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. 33:4574(F)(9) is hereby amended and reenacted to read as follows:

§4574. Tourist commissions; creation; purpose; directors; powers

\* \* \*

F.

\* \* \*

(9)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Acadia Parish Convention and Visitors Commission shall be governed by a board of eleven ~~twelve~~ directors appointed by the governing authority of Acadia Parish.

(b) In addition to the directors appointed pursuant to Subparagraph (a) of this Paragraph, the board of directors may appoint one additional director to the board. Such an appointment shall require a majority vote of the full membership of the board and need not be made from lists of nominees as provided for by Item (1)(b)(i) of this Subsection. The board may decide, by majority vote of its full membership, that it will no longer utilize the additional member authorized by this Subparagraph, but such a decision will become effective only when there is a vacancy in the position due to expiration of a term or for some other reason.

\* \* \*

Section 2. The governing authority of Acadia Parish may determine the initial terms of additional directors provided for by R.S. 33:4574(F)(9)(a) as amended by this Act. If additional directors are appointed as provided for by R.S. 33:4574(F)(9)(b), the board of directors may determine the initial terms of such directors.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 259**

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**HOUSE BILL NO. 152**

**BY REPRESENTATIVE GREGORY MILLER**

(On Recommendation of the Louisiana State Law Institute)

**AN ACT**

To amend and reenact Civil Code Article 3452, Code of Civil Procedure Articles 80(A)(1) and (2), 253.2, 592(A)(2) and (3), 893(A)(2), (B), and (C), 927(B), 1352, 1561(A), 1702(D) and (E), 1793(D), 1795, 1918, 1951, 1974, 2088(A), 2254(B), 2721(C), 3943, 3947(B), 4907(B), 4913(B)(4), and 5001, and R.S. 13:3661 and to enact Code of Civil Procedure Articles 1702(F), 4904(D), and 4921(C), relative to civil procedure; to provide with respect to venue; to provide with respect to certification procedure; to provide for the pleading of damages; to provide for the necessity of pleading prescription; to provide for restrictions on subpoenas; to provide for consolidation; to provide with respect to courts raising the issue of prescription on their own motion; to provide for jury instructions; to provide for the form and amendment of final judgments; to provide with respect to the delay for applying for a new trial; to provide for the jurisdiction of trial and justice of the peace courts; to provide for the appeal of judgments; to provide with respect to improper or wrongful seizure; to provide for name confirmation; to provide for witness fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 3452 is hereby amended and reenacted to read as follows:

Art. 3452. Necessity for pleading prescription

Prescription must be pleaded. Courts Except as otherwise provided by legislation, courts may not supply a plea of prescription.

Section 2. Code of Civil Procedure Articles 80(A)(1) and (2), 253.2, 592(A)(2) and (3), 893(A)(2), (B), and (C), 927(B), 1352, 1561(A), 1702(D) and (E), 1793(D), 1795, 1918, 1951, 1974, 2088(A), 2254(B), 2721(C), 3943, 3947(B), 4907(B), 4913(B)(4), and 5001 are hereby amended and reenacted, and Code of Civil Procedure Articles 1702(F), 4904(D), and 4921(C) are hereby enacted to read as follows:

Art. 80. Action involving immovable property

A. The following actions may be brought in the parish where the immovable property is situated or in the parish where the defendant in the action is domiciled:

(1) An action to assert an interest in immovable property, or a right in, to, or against immovable property, ~~except as otherwise provided in Article 72;~~

(2) An action to partition immovable property, except as otherwise provided in Articles 81, 82, and 83; ~~and.~~

\* \* \*

**Comments - 2021**

The deletion of the phrase "except as otherwise provided in Article 72" is intended to recognize the removal by Acts 1997, No. 1005 of the exception that previously allowed a defendant to convert a personal action into an in rem action by objecting to venue.

\* \* \*

Art. 253.2. Transfer and reassignment of pending cases

After a case has been assigned to a particular section or division of the court, it may not be transferred from one section or division to another section or division within the same court, unless agreed to by all parties, or unless it is being transferred to effect a consolidation ~~for purpose of trial~~ pursuant to Article 1561. However, the supreme court, by rule, may establish uniform procedures for reassigning cases under circumstances where an expeditious disposition of cases may be effectuated.

\* \* \*

Art. 592. Certification procedure; notice; judgment; orders

A.

\* \* \*

(2) If the proponent fails to file a motion for certification within the delay allowed by Subparagraph A(1) ~~of this Paragraph~~, any adverse party may file a notice of the failure to move for certification. On the filing of such a notice and after hearing thereon, the demand for class relief may be stricken. If the demand for class relief is stricken, the action may continue between the named parties alone. A demand for class relief stricken under this Subparagraph may be reinstated upon a showing of good cause by the proponent.

(3)(a) No motion to certify an action as a class action shall be granted prior to a hearing on the motion. Such hearing shall be held as soon as practicable, but in no event ~~before~~ until after both of the following have occurred:

(i) All named adverse parties have been served with the pleading containing the demand for class relief or have made an appearance or, with respect to unserved defendants who have not appeared, the proponent of the class has made due and diligent effort to perfect service of such pleading; ~~and,~~

(ii) The parties have had a reasonable opportunity to obtain discovery on class certification issues, on such terms and conditions as the court deems necessary, which may include expert witness testimony or evidence. The admissibility of expert witness testimony or evidence for class certification purposes shall also be governed by Article 1425(F), although the court in its discretion may change the deadlines for filing or hearing a motion as set forth in Article 1425(F) provided such deadlines are prior to or contemporaneous with the class certification hearing.

(b) At the hearing on the motion to certify an action as a class action, the proponent of the class shall have the burden of proof to establish that all requirements of Article 591 ~~of this Code~~ have been satisfied.

(c) If the court finds that the action should be maintained as a class action, it shall certify the action accordingly. If the court finds that the action should not be maintained as a class action, the action may continue between the named parties. In either event, the court shall give in writing its findings of fact and reasons for judgment provided a request is made not later than ten days after notice of the order or judgment. A suspensive or devolutive appeal, as provided in Article 2081 et seq. ~~of the Code of Civil Procedure~~, may be taken as a matter of right from an order or judgment provided for herein.

(d) In the process of class certification, or at any time thereafter before a decision on the merits of the common issues, the court may alter, amend, or recall its initial ruling on certification and may enlarge, restrict, or otherwise redefine the constituency of the class or the issues to be maintained in the class action.

~~(e) No order contemplated in this Subparagraph shall be rendered after a judgment or partial judgment on the merits of common issues has been rendered against the party opposing the class and over such party's objection.~~

\* \* \*

**Comments - 2021**

Former Subsubparagraph (A)(3)(e) of this Article has been deleted. This deletion is intended to recognize a series of judicial decisions permitting motions and exceptions that are dispositive of common and determinative issues to be resolved prior to certification of the class action. See, e.g., Cooper v. CVS Caremark Corporation, 176 So. 3d 422 (La. App. 1 Cir. 2015); Smith v. City of New Orleans, 131 So. 3d 511 (La. App. 4 Cir. 2013); Clark v. Shackelford Farms Partnership, 880 So. 2d 225 (La. App. 2 Cir. 2004); see also Wade v. Kirkland, 118 F. 3d 667 (9 Cir. 1997).

\* \* \*

Art. 893. Pleading of damages

A.

\* \* \*

(2) If a petition is filed in violation of this Article, the claim for a specific monetary amount of damages shall be stricken upon the motion of an opposing party, and the court may award attorney's attorney fees and costs against the person who signed the petition, the party who filed on whose behalf the petition was filed, or both.

B. The provisions of Paragraph A of this Article shall not be applicable to a suit on a conventional obligation, promissory note, open account, or other negotiable instrument, for alimony or child support, on a tax claim, or in a garnishment proceeding.

C. The prohibitions in Paragraph A of this Article apply only to an original, amended, or incidental demand. Evidence at trial or hearing of a specific monetary amount of damages shall be adduced in accordance with the Louisiana Code of Evidence or other applicable law.

**Comments - 2021**

The amendment to Paragraph (A)(2) of this Article is intended to make this paragraph consistent with Article 863, which permits the court to impose

sanctions for the improper certification of a pleading against the person who made the certification, the represented party, or both.

Art. 927. Objections raised by peremptory exception

~~B. The Except as otherwise provided by Articles 1702(D), 4904(D), and 4921(C), the court may not supply the objection of prescription, which shall be specially pleaded. The nonjoinder of a party, peremption, res judicata, the failure to disclose a cause of action or a right or interest in the plaintiff to institute the suit, or discharge in bankruptcy, may be noticed by either the trial or appellate court on its own motion.~~

Art. 1352. Restrictions on subpoena

A witness, whether a party or not, who resides or is employed in this state may be subpoenaed to attend a trial or hearing wherever held in this state. No subpoena shall issue to compel the attendance of such a witness ~~who resides and is employed outside the parish and more than twenty-five miles from the courthouse where the trial or hearing is to be held~~, unless the provisions of R.S. 13:3661 are complied with.

Art. 1561. Consolidation for trial or other limited purposes

A. When two or more separate actions are pending in the same court, the section or division of the court in which the first filed action is pending may order consolidation of the actions for trial or other limited purposes after a contradictory hearing, ~~and~~ upon a finding that common issues of fact and law predominate, and, in the event a trial date has been set in a subsequently filed action, upon a finding that consolidation is in the interest of justice. The contradictory hearing may be waived upon the certification by the mover that all parties in all cases to be consolidated consent to the consolidation.

Comments - 2021

The amendment to this Article to allow the court in its discretion to consolidate two or more separate actions for trial or other limited purposes, such as discovery, is intended to legislatively overrule the decision of the Fourth Circuit Court of Appeal in *Boh v. James Indus. Contractors, LLC*, 868 So. 2d 180 (La. App. 4 Cir. 2004).

Art. 1702. Confirmation of preliminary default

~~D. When the demand is based upon a right acquired by assignment in an open account, promissory note, or other negotiable instrument, the court may raise an objection of prescription before entering a final default judgment if the grounds for the objection appear from the pleadings or from the evidence submitted by the plaintiff. If the court raises an objection of prescription, it shall not enter the final default judgment unless the plaintiff presents prima facie proof that the action is not barred by prescription. Upon the plaintiff's request, the court shall hold a hearing for the submission of such proof.~~

~~D-E.~~ When the demand is based upon a claim for a personal injury, a sworn narrative report of the treating physician or dentist may be offered in lieu of his testimony.

~~E-F.~~ Notwithstanding any other provisions of law to the contrary, when the demand is for divorce under Civil Code Article 103(1) or (5), whether or not the demand contains a claim for relief incidental or ancillary thereto, a hearing in open court shall not be required unless the judge, in his discretion, directs that a hearing be held. The plaintiff shall submit to the court an affidavit specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition, the original and not less than one copy of the proposed final judgment, and a certification which shall indicate the type of service made on the defendant, the date of service, the date a preliminary default was entered, and a certification by the clerk that the record was examined by the clerk, including the date of the examination, and a statement that no answer or other pleading has been filed. If the demand is for divorce under Civil Code Article 103(5), a certified copy of the protective order or injunction rendered after a contradictory hearing or consent decree shall also be submitted to the court. If no answer or other pleading has been filed by the defendant, the judge shall, after two days, exclusive of holidays, of entry of a preliminary default, review the affidavit, proposed final default judgment, and certification, render and sign the proposed final default judgment, or direct that a hearing be held. The minutes shall reflect rendition and signing of the final default judgment.

Art. 1793. Instructions to jury; objections

~~D. The jury may take with it or have sent to it a written copy of all instructions and charges and any object or document received in evidence when a physical examination thereof is required to enable the jury to arrive at a verdict.~~

Comments - 2021

Paragraph D of this Article has been amended to delete the restriction that the jury may take evidence into the jury room only when a physical examination of the evidence is required to enable the jury to arrive at a verdict. This language incorrectly imposed the criminal procedural rule of Code of Criminal Procedure Article 793(A). In civil proceedings, Article 1794(B) permits the jury to take into the deliberation room any object or

writing received in evidence, except depositions and except as otherwise provided in the Louisiana Code of Evidence.

Art. 1795. Jury request to review evidence testimony

~~A. If the jury, after retiring for deliberation, requests a review of certain testimony or other evidence, they shall be conducted to the courtroom. After giving notice to the parties, the court may have the requested testimony read to the jury.~~

~~B. After giving notice to the parties, the court may have the requested testimony read to the jury and may permit the jury to examine the requested materials admitted into evidence.~~

Comments - 2021

This Article has been amended to clarify a misunderstanding concerning the review of testimony by the jury. Under this Article, when the jury retires for deliberation and later requests review of certain testimony, the jury must be conducted to the courtroom where, after notifying the parties, the requested testimony may be read to the jury; however, the jury may not take depositions, trial transcripts, or other testimony into the jury room for examination. Because Article 1794 already permits the jury, with certain exceptions, to take with it any object or writing received into evidence, the references to "other evidence" and "materials" have been deleted to eliminate confusion.

Art. 1918. Form of final judgment

~~A. A final judgment in accordance with Article 1841 shall be identified as such by appropriate language; shall be signed and dated; and shall, in its decree, identify the name of the party in whose favor the relief is awarded, the name of the party against whom the relief is awarded, and the relief that is awarded. If appealed, a final judgment that does not contain the appropriate decretal language shall be remanded to the trial court, which shall amend the judgment in accordance with Article 1951 within the time set by the appellate court.~~

~~B. When written reasons for the judgment are assigned, they shall be set out in an opinion separate from the judgment.~~

Comments - 2021

(a) The amendments to this Article are intended to codify Louisiana jurisprudence providing that a final judgment must contain decretal language identifying the relief that is awarded and the parties in whose favor and against whom the relief is awarded. See, e.g., *Matter of Succession of Porche*, 213 So. 3d 401 (La. App. 1 Cir. 2017); *Abshire v. Town of Gueydan*, 208 So. 3d 405 (La. App. 3 Cir. 2016); *Schiff v. Pollard*, 222 So. 3d 867 (La. App. 4 Cir. 2017); *Contreras v. Vesper*, 202 So. 3d 1186 (La. App. 5 Cir. 2016). The issue of whether a judgment constitutes a final judgment should be determined in accordance with Article 1841. A lack of proper decretal language in a judgment that is otherwise a final judgment does not divest the appellate court of jurisdiction. Instead, the final judgment shall be corrected to include proper decretal language by an amendment in accordance with Article 1951.

(b) The amendments to this Article are consistent with existing requirements pertaining to final judgments affecting immovable property under Article 1919 and those granting an injunction or temporary restraining order under Article 3605.

Art. 1951. Amendment of judgment

On motion of the court or any party, a final judgment may be amended at any time to alter the phraseology of the judgment, ~~but not its substance~~, or to correct deficiencies in the decretal language or errors of calculation. The judgment may be amended only after a hearing with notice to all parties, except that a hearing is not required if all parties consent or if the court or the party submitting the amended judgment certifies that it was provided to all parties at least five days before the amendment and that no opposition has been received. A final judgment may not be amended under this Article to change its substance.

Comments - 2021

The amendments to this Article and Article 2088 allow the trial court to retain jurisdiction to correct, on its own motion or after remand from the appellate court, the lack of proper decretal language in a final judgment. This Article does not allow the court to make a substantive change to a final judgment. See, e.g., *Denton v. State Farm Mut. Auto. Ins. Co.*, 998 So. 2d 48 (La. 2008); *Bourgeois v. Kost*, 846 So. 2d 692 (La. 2003).

Art. 1974. Delay for applying for new trial

~~The delay for applying for a new trial shall be~~ A party may file a motion for a new trial not later than seven days, exclusive of legal holidays, ~~—The delay for applying for a new trial commences to run on the day after the clerk has mailed; or the sheriff has served; the notice of judgment as required by Article 1913.~~

Comments - 2021

This Article has been amended to clarify that the delay for filing a motion for new trial is the same as the delay for filing a motion for judgment notwithstanding the verdict under Article 1811.

Art. 2088. Divesting of jurisdiction of trial court

A. The jurisdiction of the trial court over all matters in the case reviewable under the appeal is divested, and that of the appellate court attaches, on the granting of the order of appeal and the timely filing of the appeal bond, in the

case of a suspensive appeal or on the granting of the order of appeal, in the case of a devolutive appeal. Thereafter, the trial court has jurisdiction in the case only over those matters not reviewable under the appeal, including the right to do any of the following:

- (1) Allow the taking of a deposition, as provided in Article 1433;
- (2) Extend the return day of the appeal, as provided in Article 2125;
- (3) Make, or permit the making of, a written narrative of the facts of the case, as provided in Article 2131;
- (4) Correct any misstatement, irregularity, informality, or omission of the trial record, as provided in Article 2132;
- (5) Test the solvency of the surety on the appeal bond as of the date of its filing or subsequently, consider objections to the form, substance, and sufficiency of the appeal bond, and permit the curing thereof, as provided in Articles 5123, 5124, and 5126;
- (6) Grant an appeal to another party;
- (7) Execute or give effect to the judgment when its execution or effect is not suspended by the appeal;
- (8) Enter orders permitting the deposit of sums of money within the meaning of Article 4658 of this Code;
- (9) Impose the penalties provided by Article 2126, or dismiss the appeal, when the appellant fails to timely pay the estimated costs or the difference between the estimated costs and the actual costs of the appeal; ~~or,~~
- (10) Set and tax costs, ~~and~~ expert witness fees, ~~and~~ attorney fees.
- (11) Certify a partial judgment or partial summary judgment in accordance with Article 1915(B).
- (12) Amend a judgment to provide proper decretal language under Article 1918 or 1951.

\* \* \*

#### Comments - 2021

(a) The amendment to Subparagraph (A)(10) of this Article clarifies that the trial court retains jurisdiction for purposes of setting attorney fees after an appeal has been taken from the initial judgment. Trial courts award reasonable attorney fees in many judgments, but often these judgments are appealed before the attorney fees are set. With this amendment, it is no longer necessary for an appellate court to dismiss an appeal in order to allow the trial court to set the amount of the attorney fees, because the trial court has jurisdiction to set attorney fees while the appeal is pending.

(b) Subparagraph (A)(11) codifies the Louisiana Supreme Court's holding in *In re Interdiction of Gambino*, 296 So. 3d 1046 (La. 2020) (per curiam), that the trial court had jurisdiction to certify a partial judgment under Article 1915(B) as a final judgment after an appeal had been obtained.

(c) Subparagraph (A)(12) allows a trial court to retain jurisdiction after an order of appeal is granted to amend a final judgment to correct any deficiencies in the decretal language.

\* \* \*

Art. 2254. Execution by sheriff; return; wrongful seizure

\* \* \*

B. ~~Since secured collateral subject to a security interest under Chapter 9 of the Louisiana Commercial Laws (R.S. 10:9-101, et seq.) need only be reasonably described in the debtor's security agreement (R.S. 10:9-110), the~~ The sheriff shall have no liability to the debtor or to any third party for wrongful or improper seizure of the debtor's or third party's property of the same general type as described in the debtor's security agreement. If necessary, the sheriff shall request the secured creditor to identify the property subject to the security agreement and shall act pursuant to the secured creditor's instructions. The debtor's and other owner's sole remedy for the wrongful or improper seizure of the property shall be for actual losses sustained under R.S. ~~10:9-507(+) 10:9-625~~ against the secured creditor on whose behalf and pursuant to whose instructions the sheriff may act.

\* \* \*

Art. 2721. Seizure of property; notice

\* \* \*

C. ~~Since secured collateral subject to a security interest under Chapter 9 of the Louisiana Commercial Laws need only be reasonably described in the debtor's security agreement, the~~ The sheriff shall have no liability to the debtor or to any third party for wrongful or improper seizure of the debtor's or third party's property of the same general type as described in the debtor's security agreement. If necessary, the sheriff shall request the secured creditor to identify the property subject to the security agreement and shall act pursuant to the secured creditor's instructions. The debtor's and other owner's sole remedy for the wrongful or improper seizure of the property shall be for actual losses sustained under R.S. 10:9-625 against the secured creditor on whose behalf and pursuant to whose instructions the sheriff may act.

\* \* \*

Art. 3943. Appeal from judgment awarding, modifying, or denying custody, visitation, or support

An appeal from a judgment awarding, modifying, or denying custody, visitation, or support of a person can be taken only within the delay provided in Article 3942. Such an appeal shall not suspend execution of the judgment insofar as the judgment relates to custody, visitation, or support.

\* \* \*

Art. 3947. Name confirmation

\* \* \*

B. The court may enter an order confirming the name of a ~~married woman spouse~~ in a divorce proceeding, whether ~~she~~ the person is the plaintiff or defendant, which confirmation shall be limited to the name ~~which she that the person~~ was using at the time of the marriage, or the name of ~~her the person's~~ minor children, or ~~her maiden name~~ the person's surname on the birth certificate, without complying with the provisions of R.S. 13:4751 through 4755. This Article shall not be construed to allow ~~her to amend her an amendment to~~ a birth certificate with the Bureau of Vital Statistics.

\* \* \*

Art. 4904. Final default judgment in parish and city courts

\* \* \*

D. When the demand is based upon a right acquired by assignment in an open account, promissory note, or other negotiable instrument, the court may raise an objection of prescription before entering a final default judgment if the grounds for the objection appear from the pleadings or from the evidence submitted by the plaintiff. If the court raises an objection of prescription, it shall not enter the final default judgment unless the plaintiff presents prima facie proof that the action is not barred by prescription. Upon the plaintiff's request, the court shall hold a hearing for the submission of proof.

\* \* \*

Art. 4907. New trials; delay in parish or city courts

\* \* \*

B. The delay for applying for a new trial shall be seven days, exclusive of legal holidays. Where notice of judgment is required, ~~this delay commences to run on the day a party may file a motion for a new trial not later than seven days, exclusive of legal holidays,~~ after the clerk has mailed, or the sheriff has served, the notice of judgment.

#### Comments - 2021

This Article has been amended to make certain that the delay for filing a motion for new trial in parish and city courts is seven days, exclusive of legal holidays. If a notice of judgment is required, the delay begins to run once the clerk has mailed the notice of judgment or the sheriff has served the notice of judgment.

\* \* \*

Art. 4913. Limitations upon jurisdiction; nature of proceedings; justice of the peace courts

\* \* \*

B. A justice of the peace court has no jurisdiction in any of the following cases or proceedings:

\* \* \*

(4) A claim for annulment of marriage, separation from bed and board, divorce, separation of property, ~~or alimony~~ custody, visitation, spousal support, or child support.

\* \* \*

Art. 4921. Final default judgment; justice of the peace courts; district courts with concurrent jurisdiction

\* \* \*

C. When the demand is based upon a right acquired by assignment in an open account, promissory note, or other negotiable instrument, the court may raise an objection of prescription before entering a final default judgment if the grounds for the objection appear from the pleadings or from evidence submitted by the plaintiff. If the court raises an objection of prescription, it shall not enter the final default judgment unless the plaintiff presents prima facie proof that the action is not barred by prescription. Upon the plaintiff's request, the court shall hold a hearing for the submission of such proof.

\* \* \*

Art. 5001. Appeals from city and parish courts

A. ~~Except as provided in Paragraph B of this Article, an~~ An appeal from a judgment rendered by a parish court or by a city court shall be taken to the court of appeal.

~~B. Appeal from a judgment rendered by a city court located in the Nineteenth Judicial District shall be taken to the district court of the parish in which the court of original jurisdiction is located.~~

~~B. C.~~ Appeal shall be on the record and shall be taken in the same manner as an appeal from the district court.

Section 3. R.S. 13:3661 is hereby amended to read as follows:

~~§3661. Attendance compulsory in civil cases; witnesses outside parish but within state; deposit~~

A. Witnesses in civil cases who reside or who are employed in this state may be subpoenaed and compelled to attend trials or hearings wherever held in this state.

B. Witnesses who are subpoenaed to attend a trial or hearing shall be paid their travel expenses to and from the courthouse at a rate equal to the rate in effect for state officials and an attendance fee of fifty dollars for each day that the witness is required to appear in court.

~~B. (C). No witness residing and employed outside of the parish and more than twenty-five miles from the courthouse where the trial or hearing is to be held shall be subpoenaed to attend court personally a trial or hearing unless the party who desired~~ desires the testimony of the witness has deposited with the clerk of court a ~~sum of money sufficient to cover; the estimated attendance fee and travel expenses.~~

(a) ~~Reimbursement of the traveling expenses of the witness in traveling to the court and returning, at the rate of twenty cents a mile.~~

(b) ~~The witness' fee at the rate of twenty-five dollars a day.~~

~~(e) Hotel and meal expenses at the rate of five dollars a day.~~  
~~(2) Such a D. The witness shall be paid his expenses and the attendance fee and travel expenses immediately by the clerk of court when the witness has answered the subpoena and has appeared for the purpose of testifying.~~  
E. In cases of exceptional hardship, the court may increase the travel expenses paid to the witness.

Comments - 2021

This Section has been amended to increase the witness attendance fee from twenty-five dollars per day to fifty dollars per day, and the travel expense reimbursement from twenty cents per mile to the rate in effect for state officials, both of which are consistent with the amounts paid to jurors in civil cases. See R.S. 13:3049(B)(2)(a). The prior provision for reimbursement of hotel and meal expenses at the rate of five dollars per day has been eliminated, and a new provision has been added to provide the court with the discretion to increase the amount of travel expenses paid to witnesses in cases of exceptional hardship.

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 260**  
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HOUSE BILL NO. 220  
BY REPRESENTATIVE GREGORY MILLER  
AN ACT

To amend and reenact R.S. 38:2215(A), relative to contracts for public works; to require the award of a public works contract within a specified time after judgment determining the lowest responsible and responsive bidder; to restrict the application of suspensive appeals for certain public works awards resulting from certain court actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2215(A) is hereby amended and reenacted to read as follows:

§2215. Time period for holding bids; issuance of work orders to commence work; exceptions

A.(1) A public entity shall act not later than forty-five calendar days after the date of opening bids to award such public works contract to the lowest responsible and responsive bidder or to reject all bids. However, the public entity and the lowest responsible and responsive bidder, by mutually written consent, may agree to extend the deadline for award by one or more extensions of thirty calendar days.

(2)(a) Expedition Trial on the Merits. If an interested party or bidder files for an injunction or writ of mandamus, they shall receive a trial on the requested relief in the district court within thirty calendar days of the filing of the suit. The district court shall render a final judgment not more than fifteen calendar days after the conclusion of the trial. A public entity shall award a public works contract in accordance with the judgment of a Louisiana court determining the lowest responsible and responsive bidder no later than forty-five days after such judgment, unless a timely suspensive appeal is filed.(b) Public Entity's Right to Suspensive Appeal. Unless waived, only the public entity may take a suspensive appeal within fifteen calendar days of the rendition of the final judgment of the district court. The suspensive appeal of the public entity shall be returnable to the appropriate appellate court not more than fifteen calendar days from the rendition of the final judgment of the district court. The suspensive appeal of the public entity shall be expedited and heard no later than thirty calendar days from the return day of the appeal. The appellate court shall render its ruling on the merits within thirty calendar days of the return day of the appeal.

(c) Under no circumstance may an awarded bidder agree to relinquish or to compromise its award status in favor of another bidder.

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 261**  
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HOUSE BILL NO. 221  
BY REPRESENTATIVE PIERRE  
AN ACT

To enact R.S. 32:409.1(A)(6)(d) and (e), relative to certain commercial driver's license applicants; to require a record check prior to issuing certain commercial driver's licenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:409.1(A)(6)(d) and (e) are hereby enacted to read as follows:  
§409.1. Application or special certificate applications; penalties for false information

A.

\* \* \*

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

(6) The department shall initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualifications, suspensions, revocations, or cancellations and that the driver does not have a driver's license from more than one state. The record check for a commercial driver's license shall include:

\* \* \*

(d) Beginning on or after January 6, 2023, a check with the Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse, on all applicants for the transfer, issuance, renewal, or upgrade of a commercial driver's license.

(e) Beginning on or after February 7, 2022, a check with the Federal Motor Carrier Safety Administration, Training Provider Registry to determine compliance with training standards in the following instances:

(i) Before issuing a skills test.(ii) On initial commercial driver's license issuance.

(iii) On any commercial driver's license class upgrade.

(iv) On any issuance of a passenger, school bus, or hazardous materials endorsement.

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 262**  
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HOUSE BILL NO. 230  
BY REPRESENTATIVES TRAVIS JOHNSON AND THOMPSON  
AN ACT

To repeal Part XVII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:559.21 through 559.29, and R.S. 36:629(Q), relative to the Louisiana Aquatic Chelonian Research and Promotion Board; to provide for abolishment of the board; to provide for transfer of unclassified service positions; to provide for transfer and disposition of monies; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XVII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:559.21 through 559.29, and R.S. 36:629(Q) are hereby repealed in their entirety.

Section 2. The positions authorized pursuant to R.S. 3:559.24(B) shall be transferred to the aquacultural development program established under the provisions of R.S. 3:559.1 et seq.

Section 3. Upon the effective date of this Act, the Department of Agriculture and Forestry shall transfer any remaining monies received by the Louisiana Aquatic Chelonian Research and Promotion Board to the Louisiana Agricultural Finance Authority to fund all costs related to a campaign for expanding research related to aquatic chelonians, improving the quality and variety of Louisiana aquatic chelonians through research, and increasing sales of Louisiana aquatic chelonians through advertising and marketing.

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. 263**  
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HOUSE BILL NO. 242  
BY REPRESENTATIVES DUSTIN MILLER, BISHOP, AND EDMONDS  
AN ACT

To enact R.S. 29:726.5 and 726.5.1, relative to homeland security; to establish the Louisiana Commission on Nonprofit Safety and Security; to provide relative to the purpose, membership, authority, and duties of the commission; to provide for the establishment of a security grant program; to establish the Louisiana Nonprofit Safety and Security Grant Program Fund; to provide for the duties and authority of the Governor's Office of Homeland Security and Emergency Preparedness with regard to the program and fund; to provide for the purpose of the program and fund; to provide for the eligibility requirements for grant applicants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:726.5 and 726.5.1 are hereby enacted to read as follows:

§726.5. Louisiana Commission on Nonprofit Safety and Security  
A. The Louisiana Commission on Nonprofit Safety and Security, hereinafter referred to as the "commission", is hereby established within the Governor's Office of Homeland Security and Emergency Preparedness to study and make recommendations on the security needs of nonprofit organizations that are at

\* As it appears in the enrolled bill

**THE ADVOCATE**  
**PAGE 45**

high risk of terrorist attacks in Louisiana, including recommendations on the establishment, administration, and funding of a grant program for eligible entities to apply for security grants covering security personnel, security training, facility hardening, and other necessary security measures. B. The commission shall be comprised of the following members:

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

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

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

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

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

(6) The executive director of the Louisiana Sheriffs' Association or his designee.

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

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

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

C.(1) Members of the commission shall serve without compensation. Travel expenses, per diem, and other expenses may be paid by the member's employer or appointing authority.

(2) The commission shall fix a time and place for its meetings and shall meet at least quarterly. Additional meetings may be held upon the call of the chairman. All meetings of the commission shall be held in compliance with the Open Meetings Law.

(3) A majority of the total commission members shall constitute a quorum and any official action taken by the commission shall require an affirmative vote of a majority of the members present and voting.

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

#### §726.5.1. Fund and grant program

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

(1) Safety and security planning.

(2) Safety and security equipment.

(3) Security-related technology.

(4) Safety and security training.

(5) Safety and security exercises.

(6) Threat awareness and response training.

(7) Upgrades to existing structures that enhance safety and security.

(8) Vulnerability and threat assessments.

(9) Security personnel.

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

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

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

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

(b) Prior threats made against the organization.

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

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

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

(2) The fund shall be comprised of all monies appropriated, donated, or otherwise made available to provide funding for the purposes of the security grant program as provided by this Section. All of such monies required to be deposited in the state treasury in accordance with Article VII, Section 9(A) of the Constitution of Louisiana shall be deposited in the fund after first meeting the requirements of Article VII, Section 9(B) of the Constitution of

Louisiana relative to the Bond Security and Redemption Fund.

(3) The fund shall be administered by the Governor's Office of Homeland Security and Emergency Preparedness.

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

#### ACT No. 264

HOUSE BILL NO. 257

BY REPRESENTATIVE FREIBERG

AN ACT

To enact R.S. 33:9097.33, relative to East Baton Rouge Parish, to create the Plantation Trace Crime Prevention and Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district, subject to voter approval; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.33 is hereby enacted to read as follows:

§9097.33. Plantation Trace Crime Prevention and Improvement District

A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Plantation Trace Crime Prevention and Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district shall include the following areas: Lots X-1 through X-5 of the Robert McGill Tract, the W.P. Wray tract and all lots in Plantation Trace Subdivision, except Lot 1.

C. Purpose. The purpose of the district is to aid in crime prevention and to add to the security of the district residents by providing for an increase in the presence of law enforcement personnel in the district and to add to the overall betterment of the district by providing for beautification and other improvements within the district, including the construction of a neighborhood playground.

D. Governance. (1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the Plantation Trace Residents Association.

(b) The president of the Plantation Trace Residents Association shall appoint three members.

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

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

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

(2)(a) Members appointed pursuant to Subparagraphs (1)(b) through (e) of this Subsection shall serve three-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.

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

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

(3) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

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

(6) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.

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

to the governance of the district.

E. Powers and duties. The district, acting through its board, shall have the following powers and duties:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols, improvement, or other programs in the district.

(5) To provide or enhance security patrols in the district; to provide for improved lighting, signage, or matters relating to the security of the district; and to provide for improvements in the district; and to provide generally for the overall betterment of the district.

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

(7) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with district plans.

(8) To accept private grants and donations.

(9) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon service as a member of the board or that may arise as a result of actions taken within the scope and discharge of duties as a member of the board.

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

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

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

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

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

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

(6) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected for East Baton Rouge Parish. The tax collector shall collect and remit to the district all amounts collected not more than sixty days after collection; however, the district may enter into an agreement with the tax collector to authorize the retention of an annual collection fee, not to exceed one percent of the amount collected.

(7) Any parcel fee which is unpaid shall be added to the tax rolls of East Baton Rouge Parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

G. Additional contributions. The district may solicit, accept, and expend additional voluntary contributions and grants to carry out its purposes.

H. Budget. (1) The board shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that any additional law enforcement personnel and services provided for through the fees authorized in this Section shall be supplemental to, and not in lieu of, personnel and services to be provided in the district by publicly funded law enforcement agencies.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge, parish of East Baton Rouge, and shall be used for law enforcement purposes in the area which comprised the district.

J. Indemnification and exculpation. (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages, for breach of his duties as a board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

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

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

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

the performance of his duties.

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. 265**

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HOUSE BILL NO. 265  
BY REPRESENTATIVE BRASS  
AN ACT

To amend and reenact R.S. 14:337(E)(2) and to enact R.S. 14:337(B)(3)(e) and (f), relative to the crime of unlawful use of an unmanned aircraft system; to provide for increased penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:337(E)(2) is hereby amended and reenacted and R.S. 14:337(B)(3)(e) and (f) are hereby enacted to read as follows:

§337. Unlawful use of an unmanned aircraft system

\* \* \*

B. As used in this Section, the following definitions shall apply:

\* \* \*

(3) "Targeted facility" means the following systems:

\* \* \*

(e) Critical infrastructure as defined by R.S. 14:61(B).

(f) Grain elevators and grain storage facilities.

\* \* \*

E.

\* \* \*

(2) On a conviction for a second or subsequent offense as provided in Paragraph (A)(1) of this Section, the offender shall be fined not less than five hundred dollars nor more than ~~two~~ four thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than ~~one~~ two years, or both.

\* \* \*

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. 266**

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HOUSE BILL NO. 270  
BY REPRESENTATIVES MAGEE, BAGLEY, HUGHES, DUSTIN MILLER,  
AND TURNER AND SENATORS ALLAIN, BARROW, BOUDREAUX,  
MCMATH, AND FRED MILLS  
AN ACT

To amend and reenact R.S. 37:1262(4) and 1291(6) and R.S. 40:1223.3(6)(a) and to enact R.S. 37:1291(7), relative to telemedicine and telehealth; to revise the definitions of those terms; to exempt certain activity from laws pertaining to the practice of medicine; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1262(4) and 1291(6) are hereby amended and reenacted and R.S. 37:1291(7) is hereby enacted to read as follows:

§1262. Definition

As used in this Part the following words and phrases shall have the meanings ascribed to them:

\* \* \*

(4) "Telemedicine" means the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using ~~interactive telecommunication technology that enables a health care practitioner and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. Neither a telephone conversation nor an electronic mail message between a health care practitioner and patient, or a true consultation as may be defined by rules promulgated by the board pursuant to the Administrative Procedure Act, constitutes telemedicine for the purposes of this Part technology that enables the physician and a patient at two locations separated by distance to interact. Such technology may include electronic communications, information technology, asynchronous store-and-forward transfer technology,~~

or technology that facilitates synchronous interaction between a physician at a distant site and a patient at an originating site. The term “telemedicine” shall not include any of the following:

(a) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (42 U.S.C. 1320d et seq.).

(b) Facsimile transmissions.

\* \* \*

§1291. Exemptions

None of the provisions of this Part shall apply to:

\* \* \*

(6) A consultation without limitation between a practicing physician licensed in this state and a practicing physician licensed in another state or jurisdiction.

~~(6)(a) (7)(a)~~ An individual licensed to practice medicine in another state or country when he attends to the acute care needs of the official traveling party of athletes and staff of an athletic team or organization domiciled in another state or country during or in connection with an athletic contest or event conducted in this state.

(b) The exemption provided in this Paragraph shall not be construed to allow the performance of any elective procedure by a physician who is not duly licensed to practice medicine in accordance with the provisions of this Part.

Section 2. R.S. 40:1223.3(6)(a) is hereby amended and reenacted to read as follows:

§1223.3. Definitions

\* \* \*

~~(6)(a) “Telehealth” means a mode of delivering healthcare services, including behavioral health services, that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from healthcare providers. Telehealth allows services to be accessed when providers are in a distant site and patients are in the originating site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers. “Telehealth” means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data. The term “telehealth” shall not include any of the following:~~

~~(i) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (42 U.S.C. 1320d et seq.).~~

~~(ii) Facsimile transmissions.~~

\* \* \*

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 267**

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HOUSE BILL NO. 359

BY REPRESENTATIVES HOLLIS AND THOMPSON

AN ACT

To enact R.S. 6:412.1(I) and (J), relative to solicitors; to authorize enforcement by the commissioner; to provide for false advertising law and penalties; to authorize enforcement by the state attorney general; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:412.1(I) and (J) are hereby enacted to read as follows:

§412.1. Soliciting using lender’s name or customer loan information; restrictions; injunction; damages; attorney fees; enforcement

\* \* \*

I. The commissioner may use the enforcement powers of R.S. 6:121.1 against a solicitor who violates this Section. If the commissioner seeks injunctive relief against a solicitor who violates this Section to enjoin the unlawful use of the name, trade name, trademark, service mark, or loan information, the commissioner shall not be required to prove actual damages as a result of the violation. Irreparable harm shall be presumed. If the commissioner prevails in any action brought pursuant to this Section, the commissioner shall be entitled to recover costs associated with the action and reasonable attorney fees from the solicitor. Any action brought by the commissioner pursuant to this Subsection shall be brought in the Nineteenth Judicial District Court.

J. In addition to the remedies provided in Subsections H and I of this Section, a solicitor who violates this Section shall be deemed to have violated the false advertising law contained in R.S. 51:411 and the penalties contained in R.S. 51:411(E) may be enforced by the state attorney general.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 268**

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HOUSE BILL NO. 58

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact R.S. 30:136.3(B)(1), relative to the Mineral and Energy Operation Fund; to extend the time frame for receipt of certain revenues to be credited to the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:136.3(B)(1) is hereby amended and reenacted to read as follows:

§136.3. Mineral and Energy Operation Fund

\* \* \*

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

(1) An amount equal to one million six hundred thousand dollars received by the state through the office of mineral resources from non-judicial settlements, including but not limited to settlements of disputes of royalty audit findings, and court-awarded judgments and settlements. For Fiscal Years 2017-2018 through 2020-2021, 2021-2022 through 2024-2025, an additional amount equal to nine hundred thousand dollars received by the state through the office of mineral resources from non-judicial settlements, including but not limited to settlements of disputes of royalty audit findings, and court-awarded judgments and settlements.

\* \* \*

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 269**

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HOUSE BILL NO. 64

BY REPRESENTATIVES ECHOLS, AMEDEE, BAGLEY, GADBERRY,  
GAINES, GAROFALO, HORTON, LARVADAIN, SELTERS, STAGNI, AND  
THOMPSON

AN ACT

To enact R.S. 51:391(A)(3) and 392, relative to solicitations; to prohibit solicitations with misleading connections to the secretary of state; to prohibit certain solicitations for warranties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:391(A)(3) and 392 are hereby enacted to read as follows:

§391. Solicitations; misleading governmental appearance prohibited; misleading connections to the secretary of state prohibited; disclaimer; penalty

A. A solicitation by a nongovernmental entity, for the purchase of or payment for a product or service, which is in the form of and reasonably could be interpreted or construed as a bill, invoice, or statement of account due, but constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both, shall not contain any material which:

\* \* \*

(3) Reasonably could be construed by a business registered with the secretary of state as implying any connection with the secretary of state or requiring payment or additional action to remain in good standing as a business registered with the secretary of state.

\* \* \*

§392. Warranty solicitations

A. No individual or other entity shall offer, or attempt to offer, any solicitation to a resident of this state for the purchase of a warranty, by use of the United States Postal Service, an expedited shipping service, or any electronic means using terms or phrases, such as: “final notice”, “immediate response requested”, or “official notification”, unless the individual or entity has an existing business relationship with the resident.

B. Any violation of this Section shall constitute an unfair method of competition and an unfair or deceptive act or practice as provided for in R.S. 51:1405 and shall be subject to the enforcement provisions of the Unfair Trade Practices and Consumer Protection Law of Chapter 13 of this Title, R.S. 51:1401 et seq.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State



ACT No. 270

HOUSE BILL NO. 70  
BY REPRESENTATIVE THOMAS  
AN ACT

To amend and reenact Children's Code Articles 635(A) and (B), 750(B), (C), and (D), and 846(A) and (B) and to enact Children's Code Articles 635(C), 750(E), and 846(D), relative to certain juvenile proceedings; to provide relative to petitions and summons of certain juvenile proceedings; to provide relative to the amendment of certain juvenile proceeding petitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 635(A) and (B), 750(B), (C), and (D), and 846(A) and (B) are hereby amended and reenacted and Children's Code Articles 635(C), 750(E), and 846(D) are hereby enacted to read as follows:

Art. 635. Amendment of petition

A. ~~With leave of court, the~~ The petitioner may amend the petition at any time to cure defects of form, ~~imperfection, omission, or uncertainty.~~

B. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication. ~~However, if such leave is granted, the child or parent may request a continuance of the adjudication hearing. A continuance may be granted for such period as is required in the interest of justice.~~

C. ~~On motion of the child or parent that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time. In determining whether the child or parent has been prejudiced in his defense upon the merits, the court shall consider all circumstances of the case and the entire course of the proceedings.~~

\* \* \*

Art. 750. Amendment of petition

\* \* \*

B. ~~With leave of court, the~~ The petitioner may amend the petition at any time to cure defects of form, ~~imperfection, omission, or uncertainty.~~

C. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication. ~~However, if such leave is granted, the child or parent may request a continuance of the adjudication hearing. A continuance may be granted for such period as is required in the interest of justice.~~

D. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner may dismiss the family in need of services petition and instead file a petition which alleges delinquency pursuant to Title VIII or that a child is in need of care pursuant to Title VI.

E. ~~On motion of the child or parent that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time. In determining whether the child or parent has been prejudiced in his defense upon the merits, the court shall consider all circumstances of the case and the entire course of the proceedings.~~

\* \* \*

Art. 846. Amendment of petition

A. ~~With leave of court, the~~ The petitioner may amend the petition at any time to cure defects of form, ~~imperfection, omission, or uncertainty.~~

B. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication. ~~However, if such leave is granted, the child may request a continuance of the adjudication hearing. A continuance may be granted for such period as is required in the interest of justice.~~

\* \* \*

D. ~~On motion of the child that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time. In determining whether the child has been prejudiced in his defense upon the merits, the court shall consider all circumstances of the case and the entire course of the prosecution.~~

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 271

HOUSE BILL NO. 106  
BY REPRESENTATIVE CARPENTER  
AN ACT

To enact Code of Criminal Procedure Article 556.1(A)(5), relative to pleas in criminal cases; to provide relative to pleas of guilty or nolo contendere in felony cases; to provide relative to duties of the court or defense counsel; to require the court or defense counsel to inform a defendant of additional consequences as a result of a guilty plea or nolo contendere; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 556.1(A)(5) is hereby enacted

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

to read as follows:

Art. 556.1. Plea of guilty or nolo contendere in felony cases;  ~~duty~~ duties of the court and defense counsel

A. In a felony case, the court shall not accept a plea of guilty or nolo contendere without first addressing the defendant personally in open court and informing him of, and determining that he understands, all of the following:

\* \* \*

(5) That if he pleads guilty or nolo contendere, he may be subject to additional consequences or waivers of constitutional rights in the following areas as a result of his plea to be informed as follows:

(a) Defense counsel or the court shall inform him regarding:

(i) Potential deportation, for a person who is not a United States citizen.

(ii) The right to vote.

(iii) The right to bear arms.

(iv) The right to due process.(v) The right to equal protection.

(b) Defense counsel or the court may inform him of additional direct or potential consequences impacting the following:

(i) College admissions and financial aid.

(ii) Public housing benefits.

(iii) Employment and licensing restrictions.

(iv) Potential sentencing as a habitual offender.

(v) Standard of proof for probation or parole revocations.

(c) Failure to adhere to the provisions of Subparagraphs (A)(5)(a) and (b) shall not be considered an error, defect, irregularity, or variance affecting the substantial rights of the accused and does not constitute grounds for reversal pursuant to Article 921.

(d) It shall be sufficient to utilize a form which conveys this information to the client and the form shall constitute prima facie evidence that the content was conveyed and understood.

\* \* \*

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 272

HOUSE BILL NO. 113  
BY REPRESENTATIVE GADBERRY  
AN ACT

To enact R.S. 42:1111(C)(5), relative to the Code of Governmental Ethics; to allow the continued employment of the spouse of a public servant by a person with or seeking business or financial relationships with the agency of the public servant under specified circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111(C)(5) is hereby enacted to read as follows:

§1111. Payment from nonpublic sources

\* \* \*

C. Payments for nonpublic service.

\* \* \*

(5)(a) Notwithstanding the provisions of Subparagraph (2)(d) of this Subsection, the spouse of a public servant may continue employment with a person who has or is seeking a contractual or other business or financial relationship with the public servant's agency provided all of the following conditions are met:

(i) The spouse is a salaried or wage-earning employee and has been continuously employed by the person for at least one year prior to the date the compensated employment would have otherwise initially been prohibited.

(ii) The compensation of the spouse is substantially unaffected by a contractual or other business or financial relationship with the public servant's agency.(iii) Neither the public servant nor the spouse is an owner, officer, director, trustee, or partner in the legal entity which has or is seeking to have the relationship with the public servant's agency.

(iv) The public servant recuses or disqualifies himself from participating in any transaction involving the spouse's employer in accordance with R.S. 42:1112 and related rules and regulations.

(v) Either prior to or within ten business days of the date the compensated employment would otherwise be prohibited, the spouse and the public servant jointly file with the Board of Ethics a written notice containing a brief description of the nature of the contractual, business, or financial relationship with the public servant's agency, the date the spouse was employed by the person, and any other information required by the board.

(vi) The spouse complies with the disclosure requirements in R.S. 42:1114.

(b) The provisions of this Paragraph shall not apply to members of the legislature.

\* \* \*

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

\* As it appears in the enrolled bill

THE ADVOCATE  
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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. 273**

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HOUSE BILL NO. 134  
BY REPRESENTATIVE CARRIER  
AN ACT

To amend and reenact R.S. 47:302.36(B)(2), (C), and (D), relative to Allen Parish; to provide relative to the use of money in the Allen Parish Capital Improvements Fund; to provide relative to membership on the Allen Parish Capital Improvement Board; 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. 47:302.36(B)(2), (C), and (D) are hereby amended and reenacted to read as follows:

§302.36. Disposition of certain collections in Allen Parish

\* \* \*

B.

\* \* \*

(2) The monies in the fund shall be used solely and exclusively in Allen Parish:

~~(a) First for capital improvements to the parish courthouse.~~

~~(b) Then for capital improvements to public property in Allen Parish.~~

~~(c) Next for operating expenses, including but not limited to furniture, fixtures, and other movable equipment, on property described in (a) or (b).~~

\* \* \*C. For the purposes of this Section, "capital improvements" shall mean expenditures for the renovation of the Allen Parish courthouse and for acquiring lands, buildings, equipment, or other permanent properties, or for their construction, renovation, preservation, maintenance, or improvement, 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 associated therewith.

D. The monies paid into the Allen Parish Capital Improvements Fund shall be administered and distributed by the Allen Parish Capital Improvement Board which is hereby created. The monies shall be distributed as provided by the board for furtherance of the purposes of this Section. The Allen Parish Capital Improvement Board shall consist of the state senators and representatives who represent all or a portion of Allen Parish, the president of the Allen Parish Police Jury, ~~director of the Allen Parish Tourist Commission~~ the Allen Parish district attorney, and the Allen Parish sheriff.

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 15, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 274**

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HOUSE BILL NO. 135  
BY REPRESENTATIVE CARRIER  
AN ACT

To amend and reenact R.S. 33:2541.1(C)(1) and to enact R.S. 33:2541.1(B)(1)(d), relative to the city of Oakdale; to provide relative to the position of deputy chief of police; to change the qualifications for such position; to provide relative to the evaluation of the deputy chief of police; 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. 33:2541.1(C)(1) is hereby amended and reenacted and R.S. 33:2541.1(B)(1)(d) is hereby enacted to read as follows:

§2541.1. Deputy chief of police; competitive appointment

\* \* \*

B.(1)

\* \* \*

(d) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in the city of Oakdale, the deputy chief of police shall have not less than three years of full-time law enforcement experience and shall have successfully completed a certified training program approved by the Council on Peace Officer Standards and Training.

\* \* \*

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

(b)(i) The deputy chief of police shall serve indefinitely in the classified competitive position and shall be evaluated every three years by the chief of police. After each evaluation by the chief of police, the chief may reconfirm the deputy chief for another three-year period, or may, at his discretion, demote the deputy chief to his former class of positions.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, in the city of Oakdale, the deputy chief of police shall serve indefinitely in the classified competitive position and shall be evaluated every year by the chief of police. After each evaluation by the chief of police, the chief may reconfirm the deputy chief for another one-year period, or may, at his discretion, demote the deputy chief to his former class of positions.

\* \* \*

Approved by the Governor, June 15, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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