

ACTS OF 2019 LEGISLATURE

Acts 1-113 (Except 10, 20, 30, 40, 50, 60, 70)

ACT No. 1

HOUSE BILL NO. 9 BY REPRESENTATIVE MARINO AN ACT

To amend and reenact Code of Criminal Procedure Articles 972(4) and 983(H) and to enact Code of Criminal Procedure Article 983(I), relative to expungement of records; to provide relative to the definition of records; to amend the definition to include warrants or attachments for failing to comply with a notice or summons to appear in court; to provide relative to costs of expungement of a record; to provide for circumstances when two or more offenses arise out of the same arrest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 972(4) and 983(H) are hereby amended and reenacted and Code of Criminal Procedure Article 983(I) is hereby enacted to read as follows:

Art. 972. Definitions
As used in this Title:

* * *

(4) "Records" includes any incident reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies but shall not include DNA records. Records shall also include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

* * *

Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements

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H. If an application for an expungement of a record includes two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, the applicant shall be required to pay only one fee as provided for by this Article.

~~H-I.~~ Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Paragraphs F and G of this Article, may proceed in forma pauperis in accordance with the provisions of Code of Civil Procedure Article 5181 et seq.

Approved by the Governor, May 24, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 2

HOUSE BILL NO. 25 BY REPRESENTATIVE MCMAHEN AN ACT

To amend and reenact R.S. 14:34.4(B)(2), 52.2(E), and 92.2(A)(4) and R.S. 15:1212(B)(4), to enact R.S. 14:2(C), and to repeal R.S. 14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B), 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4), 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3), relative to the definition of "serious bodily injury"; to provide a universal definition of "serious bodily injury" for purposes of Title 14 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:34.4(B)(2), 52.2(E), and 92.2(A)(4) are hereby amended and reenacted and R.S. 14:2(C) is hereby enacted to read as follows:

§2. Definitions

* * *

C. For purposes of this Title, "serious bodily injury" means bodily injury which involves unconsciousness; extreme physical pain; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death. For purposes of R.S. 14:403, "serious bodily injury" shall also include injury resulting from starvation or malnutrition.

* * *

§34.4. Battery of a school or recreation athletic contest official

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B.

* * *

(2) Whoever commits the crime of battery of a school or recreation athletic contest official which results in serious bodily injury to the victim as defined in R.S. 14:34.1(B)(3) shall be fined not less than one thousand dollars and not more than five thousand dollars and imprisoned for not less than ten days nor more than six months.

* * *

§52.2. Negligent arson

* * *

E. Whoever commits the crime of negligent arson resulting in death or serious bodily injury to a human being shall be fined not more than five thousand dollars and imprisoned, with or without hard labor, for not more than five years. In addition, the offender shall be ordered to pay restitution for damages sustained. ~~For the purposes of this Subsection, "serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.~~

* * *

§92.2. Improper supervision of a minor by parent or legal custodian; penalty

A. Improper supervision of a minor by a parent or legal custodian, who has care and control of the minor, includes any of the following:

* * *

(4) Causing or permitting an unlicensed minor to drive a motor vehicle or power cycle upon any public road or highway in this state, in violation of R.S. 32:416 and 417, when the unlicensed minor is involved in a collision which results in the serious bodily injury or death of another person. ~~For purposes of this Paragraph, "serious bodily injury" means a bodily injury which involves unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.~~

* * *

Section 2. R.S. 15:1212(B)(4) is hereby amended and reenacted to read as follows:

§1212. Creation of database; functions

* * *

B. The commission shall be the central depository for all information submitted for entry into the database by law enforcement agencies, correctional agencies, and institutions and shall have the following functions, powers, and duties:

* * *

(4) To prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the database. The forms shall provide for detailed information regarding the name of the law enforcement officer, the designated position, the status of all P.O.S.T. certifications and decertifications related to training and qualifications, the hire date, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, resignations pending an investigation, final judgments in civil cases related to civil rights violations under the provisions of 42 U.S.C. 1983 or related to serious bodily injury as defined in R.S. ~~14:34.1(B)~~ 14:2(C) or criminal cases related to the duties of a law enforcement officer in the course and scope of his employment when the misconduct of that specific law enforcement officer gave rise to the cause of action, and the date of separation from service.

* * *

Section 3. R.S. 14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B), 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4), 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3) are hereby repealed in their entirety.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 3

HOUSE BILL NO. 44 BY REPRESENTATIVE BAGLEY AN ACT

To enact R.S. 35:417, relative to ex officio notaries public for the DeSoto Parish government; to authorize the president of the DeSoto Parish Police Jury to designate up to two employees within his office as ex officio notaries public; to provide for duties and functions of the ex officio notaries public; to provide for limitations and termination of the ex officio notaries public; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:417 is hereby enacted to read as follows:

§417. Ex officio notaries public for the DeSoto Parish government

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, the president of the DeSoto Parish Police Jury may designate no more than two employees in his office and appoint them as ex officio notaries public.

B. Each employee so appointed as ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public

only to administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the office of the DeSoto Parish Police Jury.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The president of the police jury may suspend or terminate an appointment made in his office pursuant to this Section at any time, and a separation from the employ of the parish shall automatically terminate the former employee's appointment as an ex officio notary public.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 4

HOUSE BILL NO. 102
BY REPRESENTATIVES JONES AND MARINO
AN ACT

To amend and reenact R.S. 8:655(A)(introductory paragraph) and to enact R.S. 8:655(F) and R.S. 37:876(H), relative to the disposition of human remains; to provide for the disposition of the remains of a homicide victim; to prohibit a person responsible for the death of the victim from controlling the disposition of the victim's remains; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 8:655(A)(introductory paragraph) is hereby amended and reenacted and R.S. 8:655(F) is hereby enacted to read as follows:

§655. Right of disposing of remains; military personnel; limitation of liability

A. Unless Except as provided in Subsection F of this Section, unless other specific directions have been given or the designation of a specific person to control disposition has been made by the decedent in the form of a notarial testament or a written and notarized declaration, the following persons, in the priority listed, have the right to control and authorize the interment of a deceased person, as defined in R.S. 8:1:

* * *

F. No person shall have any right to control the disposition of the remains of a decedent when a warrant or a judicial determination of probable cause for a homicide enumerated in R.S. 14:30, 30.1, or 31 has been issued for his arrest for the death of the decedent.

Section 2. R.S. 37:876(H) is hereby enacted to read as follows:

§876. Authorizing agent; notarial testaments and notarized declarations

* * *

H. No person shall have any right to control the disposition of the remains of a decedent when a warrant or a judicial determination of probable cause for a homicide enumerated in R.S. 14:30, 30.1, or 31 has been issued for his arrest for the death of the decedent.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 5

HOUSE BILL NO. 111
BY REPRESENTATIVES STEFANSKI AND JIM MORRIS
AN ACT

To amend and reenact R.S. 14:34.6(B)(1), relative to the crime of disarming of a peace officer; to amend the definition of "law enforcement equipment" for purposes of the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:34.6(B)(1) is hereby amended and reenacted to read as follows:

§34.6. Disarming of a peace officer

* * *

B. For purposes of this Section:

(1) "Law enforcement equipment" shall include any firearms, weapons, restraints, ballistics shields, forced entry tools, defense technology equipment, self-defense batons, self-defense sprays, chemical weapons, or electro shock weapons ~~issued to a peace officer and used by the peace officer~~ in the course and scope of his law enforcement duties and approved for such use by the peace officer's law enforcement agency.

* * *

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 6

HOUSE BILL NO. 115

BY REPRESENTATIVE WRIGHT AND SENATORS ALARIO, APPEL, BARROW, BOUDREAUX, CARTER, DONAHUE, ERDEY, GATTI, HEWITT, JOHNS, MARTINY, MILKOVICH, MIZELL, MORRISH, PEACOCK, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE
AN ACT

To enact R.S. 47:490.32, relative to motor vehicle license plates; to create a military honor license plate for "Purple Heart" recipients that have a service-connected disability of fifty percent or more; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:490.32 is hereby enacted to read as follows:

§490.32. Military honor license plates for "Purple Heart" disabled veterans
A. The provisions of this Section shall be applicable to "Purple Heart" recipients that have a service-connected disability of fifty percent or more and who are residents of this state.

B. Upon application of a "Purple Heart" recipient who is also a qualified disabled veteran, the secretary shall issue a military honor license plate to be used in lieu of a regular motor vehicle registration plate on passenger cars, trucks, recreational vehicles, motorcycles, and vans. The license plate shall bear a number prefixed by "DV". "Purple Heart Disabled Veteran" shall be printed under the number.

C. The secretary of the Department of Public Safety and Corrections shall change the design of the military honor license plate for "Purple Heart" recipients who are disabled veterans by enlarging the size of the "Purple Heart" medal on the license plate.

D. No fee shall be charged for the license plates authorized by this Section, and such plates shall not be subject to the renewal requirements applicable to standard plates.

E. The secretary shall adopt rules to implement the provisions of this Section, including but not limited to rules governing the transfer of the license plates from one vehicle to another and the disposition of such license plates.

F.(1) Any applicant who qualifies for the military honor license plate authorized by this Section may be issued a plate for each vehicle registered in the applicant's name.

(2) Except as otherwise provided in this Subsection, each military honor license plate issued pursuant to this Section shall be returned to the secretary upon the death of the person to whom the plate was issued. A surviving spouse of a person to whom a license plate was issued pursuant to this Section may retain a license plate issued pursuant to this Section, provided the surviving spouse has not remarried and provided the surviving spouse applies to the secretary for a transfer of the license plate to the surviving spouse. A military honor license plate transferred pursuant to this Paragraph to a surviving spouse shall be returned to the secretary upon the death or remarriage of the surviving spouse. In the event that a "Purple Heart" disabled veteran holds more than one military honor license plate at the time the "Purple Heart" disabled veteran dies, the surviving spouse may determine which of the license plates the surviving spouse wishes to retain.

(3) The secretary shall also issue a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international symbol of accessibility, to any disabled veteran who has or is issued a "Purple Heart" disabled veteran special prestige plate and who requests the hang tag. No fee shall be charged for the hang tag, and it shall be exempt from renewal requirements applicable to hang tags issued pursuant to R.S. 47:463.4. However, any lost, destroyed, or mutilated hang tags shall be replaced according to the provisions of R.S. 47:463.4(C), including payment of the reissuance fee. A person using the hang tag in a vehicle with a disabled veteran license plate is not required to obtain or possess a mobility impairment driver's license or identification card.

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

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 7

HOUSE BILL NO. 123
BY REPRESENTATIVES HILL, BAGNERIS, BILLIOT, BISHOP, BOURRIAQUE, TERRY BROWN, CARMODY, STEVE CARTER, COUSSAN, DEVILLIER, EMERSON, GISCLAIR, GLOVER, HENRY, HORTON, MIGUEZ, JAY MORRIS, JIM MORRIS, SCHEXNAYDER, STEFANSKI, TALBOT, WHITE, AND ZERINGUE
AN ACT

To amend and reenact R.S. 44:4(45), relative to exemptions from the Public Records Law; to exempt information relative to certain activities associated with stocking and breeding of alligators; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4(45) is hereby amended and reenacted to read as follows:

§4. Applicability

This Chapter shall not apply:

* * *

(45) To records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps, or copies thereof, whether written or oral, received from any person by the Department of Wildlife and Fisheries, which pertain to or in any way involve information relative to activities associated with the egg collection, stocking, captive breeding, or farming inventory of alligators, or shipment of alligators or alligator skins domestically, nationally, or internationally; however, aggregate, statistical reports that do not reveal, directly or by inference, the identity of the individual source of the information compiled by the Department of Wildlife and Fisheries may be released to the public by the secretary of the department.

* * *

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 8

HOUSE BILL NO. 124

BY REPRESENTATIVE JONES AND SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 9:154.1(A), relative to abandoned funds; to provide for the period of abandonment; to provide for the disposition of abandoned funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:154.1(A) is hereby amended and reenacted to read as follows:
§154.1. Compensation for expropriation; ownership; town of Berwick

A. Notwithstanding the provisions of R.S. 9:154, monetary funds paid by the town of Berwick into the registry of the court for the expropriation of property and which monetary funds would otherwise be deemed abandoned pursuant to R.S. 9:154, and which monetary funds have not been claimed by any person for a period in excess of ~~twelve~~ five years, shall revert to being funds of the town of Berwick, and any such monetary funds held by the administrator or the court shall be returned to the town of Berwick.

* * *

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 9

HOUSE BILL NO. 134

BY REPRESENTATIVE JENKINS
AN ACT

To amend and reenact R.S. 35:191(A)(1)(d) and (C)(1)(d) and to repeal R.S. 35:191(V) and (W), relative to notaries public; to provide for qualifications; to provide for application periods; to provide relative to certain temporary and provisional commissions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:191(A)(1)(d) and (C)(1)(d) are hereby amended and reenacted to read as follows:

§191. Appointment; qualifications; examination

A.(1)

* * *

(d) Has received a high school diploma, has received a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or has been issued a high school equivalency diploma after successfully completing ~~the test of General Educational Development~~ a high school equivalency test approved by the Board of Supervisors of Community and Technical Colleges.

* * *

C. Each applicant, otherwise qualified, may be appointed a notary public in and for a parish upon meeting all of the following conditions:

(1)

* * *

(d) The deadline for the application provided for in Subparagraph (C)(1)(a) of this Section and the application fee provided for in Subparagraph (C)(1)(c) or to register to take the exam as provided for in R.S. 35:191.1 shall be no later than ~~sixty~~ thirty days prior to the date of the examination.

* * *

Section 2. R.S. 35:191(V) and (W) are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 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, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 10

HOUSE BILL NO. 105
General Appropriations
will publish in a later edition.

ACT No. 11

HOUSE BILL NO. 155

BY REPRESENTATIVE BERTHELOT
AN ACT

To amend and reenact R.S. 40:1567, relative to fire departments; to delete the requirement that a fee and mileage be paid pursuant to fire reports; to provide for the issuance and use of fire department identification numbers; to provide for the submission of fire reports; to provide for violations; to make technical corrections; to provide a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1567 is hereby amended and reenacted to read as follows:
§1567. ~~Fee for fire reports by volunteer fire~~ Fire departments; fire department identification number; fire reports

A. ~~A fee of five dollars for each structural fire report plus mileage at the rate established for state employees per mile for each mile traveled to and from the place of the fire shall be paid to a volunteer fire department for each fire report made based upon an investigation and inspection by the volunteer members of the volunteer fire department. The fire reports shall be submitted to the fire marshal on forms provided by his office and in accordance with standards prescribed by the fire marshal: (1)(a) Every municipal fire department, fire protection district, and volunteer fire department, as recognized by its local governing authority, shall obtain a fire department identification (FDID) number from the state fire marshal.~~

(b) If an individual, organization, or other entity is not recognized by the local governing authority to conduct traditional fire department-related activities, the state fire marshal shall not issue the organization an FDID number.

(c) Any individual, organization, or other entity engaged in traditional fire department activities without an FDID number shall be in violation of R.S. 14:112.2.

(2) For purposes of this Subsection, "traditional fire department-related activities" includes firefighting, fire prevention, fire investigation, fire protection, and emergency duties and services.

B. ~~For purposes of this Section the term "volunteer member" means an individual certified under the authority of R.S. 40:1563 who does not receive any compensation for his services, and the term "volunteer fire department" means a legally constituted fire department or fire protection district having fewer than four persons who are qualified for and receive state supplemental pay under the provisions of R.S. 40:1666, et seq. Organizations which have been issued an FDID number shall submit structural fire reports electronically pursuant to the standards set by the state fire marshal.~~

C. Annual implementation of the standards prescribed by the fire marshal ~~as to~~ regarding the fires which require investigation or inspection reports and the content of those reports shall be subject to review by the ~~Fire Marshal's Review Board~~ board of review established by R.S. 40:1578.1.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 12

HOUSE BILL NO. 180

BY REPRESENTATIVE BAGLEY
AN ACT

To enact R.S. 14:338, relative to offenses affecting the public generally; to create the crime of interfering with emergency communication; to provide for elements of the offense; to provide for definitions; to provide criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:338 is hereby enacted to read as follows:

§338. Interfering with emergency communication

A. The crime of interfering with emergency communication is committed when a person disconnects, damages, disables, removes, or uses physical force or intimidation to block access to any telephone or telecommunications device with the specific intent to interfere or prevent an individual from doing any of the following:

(1) Using a 911 emergency telephone number.

(2) Obtaining medical assistance.

(3) Making a report to any law enforcement officer.

B. Whoever commits the crime of interfering with emergency communication as defined by this Section shall be either fined not more than five hundred dollars, imprisoned for not more than six months, or both.

C. For the purposes of this Section:

(1) "Law enforcement officer" shall include commissioned police officers, state police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

(2) "Telecommunications device" shall mean any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 13

HOUSE BILL NO. 303
BY REPRESENTATIVE COUSSAN
AN ACT

To amend and reenact R.S. 51:703(D)(5)(b) and to enact R.S. 6:121.2(F), relative to the Office of Financial Institutions obtaining information for criminal background checks; to provide for the application of the commissioner's authority; to provide for the procedure to submit fingerprints; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:121.2(F) is hereby enacted to read as follows:
§121.2. Authority to obtain criminal history record information

* * *

F. The authority set forth in this Section applies to all persons seeking licensure, registration, or approval by the commissioner to operate as any of the following:

- (1) A state bank pursuant to R.S. 6:201 et seq.
- (2) A trust company pursuant to R.S. 6:571 et seq.
- (3) A credit union pursuant to R.S. 6:641 et seq.
- (4) A savings and loan association pursuant to R.S. 6:702 et seq.
- (5) A currency exchange service or check-casher pursuant to R.S. 6:1001 et seq.
- (6) A sale of checks or money transmission business pursuant to R.S. 6:1031 et seq.
- (7) A mortgage broker, mortgage lender, mortgage servicer, or mortgage loan originator pursuant to 6:1081 et seq.
- (8) A savings bank pursuant to R.S. 6:1161 et seq.
- (9) A licensed lender pursuant to R.S. 9:3510 et seq.
- (10) A loan broker pursuant to R.S. 9:3572.1 et seq.
- (11) A pawnbroker pursuant to R.S. 37:1781 et seq.
- (12) A salesman or investment adviser representative pursuant to R.S. 51:701 et seq.
- (13) A Louisiana capital company pursuant to R.S. 51:1925 et seq.
- (14) A Louisiana business and industrial development company pursuant to R.S. 51:2392 et seq.
- (15) A bond for deed escrow agent pursuant to R.S. 6:414 and LAC 10:XV.901 et seq.
- (16) A repossession agency and repossession agent pursuant to R.S. 6:965 et seq. and LAC 10:XV.1301 et seq.

Section 2. R.S. 51:703(D)(5)(b) is hereby amended and reenacted to read as follows:

§703. Registration of dealers, salesmen, and investment advisers and adviser representatives; surety bonds; records; disclosures

* * *

- D. * * *
- (5) * * *

(b) As directed by the commissioner, each applicant for registration as an investment adviser representative shall submit fingerprints for a criminal background check. The fingerprints may be submitted through any licensing system authorized by the commissioner pursuant to the provisions of R.S. 6:121.8.

* * *

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, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 14

HOUSE BILL NO. 305

BY REPRESENTATIVES FALCONER, AMEDEE, BACALA, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BOURRIAQUE, CHAD BROWN, TERRY BROWN, CARMODY, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DUBUISSON, EMERSON, GAINES, GAROFALO, GISCLAIR, GUINN, HILFERTY, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JEFFERSON, JORDAN, LACOMBE, NANCY LANDRY, LEBAS, LEOPOLD, LYONS, MARCELLE, MCMAHEN, MIGUEZ, GREGORY MILLER, JAY MORRIS, MOSS, NORTON, PEARSON, PIERRE, PUGH, PYLANT, SCHEXNAYDER, STAGNI, STOKES, THOMAS, TURNER, WHITE, WRIGHT, AND ZERINGUE AND SENATOR THOMPSON
AN ACT

To enact R.S. 51:1409.1, relative to unfair trade practices; to provide with respect to elder persons and persons with disabilities; to provide for a private right of action; to provide with respect to fraudulent marketing through telephone, electronic mail, or text messaging; to provide for damages; to provide definitions; to provide for limitation of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1409.1 is hereby enacted to read as follows:

§1409.1. Deceptive practices: telephone, electronic mail, or text messaging; elder persons and persons with disabilities; private actions

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

(1) "Electronic mail" means an electronic message that is transmitted between two or more telecommunications devices, computers, or other electronic devices capable of sending and receiving electronic messages with a person identified by a unique electronic address.

(2) "Telephone" means a system for transmitting voices over a distance using wire, radio, cellular, or electric signals.

(3) "Text messaging" means using a wireless telecommunications device to manually communicate with any person by using a text-based communication referred to as a text message, instant message, or direct message.

B. In addition to any damages to which a person is entitled pursuant to R.S. 51:1409, the court may award damages not to exceed ten thousand dollars per violation if a person knowingly sends deceptive information to any elder person or person with a disability, as those terms are defined in R.S. 51:1402, who suffers damage or injury as a result of an offense or violation described in this Chapter through marketing by telephone, electronic mail, or text messaging.

C. Nothing in this Section shall be construed to extend liability for violations of the provisions of this Section to telephone, electronic mail, internet, cable, or other telecommunications service providers.

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 15

HOUSE BILL NO. 365
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To enact R.S. 47:463.202, relative to motor vehicle special prestige license plates; to provide for the "Disabled Peace Officer" specialty license plate; to provide for the creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.202 is hereby enacted to read as follows:

§463.202. Special prestige license plates: "Disabled Peace Officer"

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Disabled Peace Officer" plate, provided there is a minimum of one thousand applicants for such plates. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.

B. The secretary shall work in conjunction with the member of the House of Representatives representing House District Number 40 to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3).

C. The special prestige license plate shall be issued, upon application, to any disabled peace officer, whether active or retired, who is a citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Peace Officers Association. The monies received from the royalty fees shall be used solely for activities and services provided by the association.

F. The secretary shall promulgate and adopt rules and regulations as are

necessary to implement the provisions of this Section.

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

Approved by the Governor, May 24, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 16

HOUSE BILL NO. 396
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 6:822(3)(d) and 1229.1 and to enact R.S. 6:243(C)(1)(d) and 246, relative to bank operating subsidiaries; to provide conditions for a state bank to hold immovable property in perpetuity; to provide for permitted conduct; to provide for notice; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:822(3)(d) and 1229.1 are hereby amended and reenacted and R.S. 6:243(C)(1)(d) and 246 are hereby enacted to read as follows:

§243. Immovable property; dealings
* * *

C.(1) A state bank may hold immovable property in perpetuity, exempt from the divestiture requirements of this Section, if all of the following conditions are met:

(d) Written approval has been obtained from the commissioner.
* * *

§246. Bank operating subsidiaries

A. A state bank may, through a wholly-owned operating subsidiary, conduct any activity or make any investment that the state bank is authorized to conduct or make under state or federal law. A state bank that establishes a subsidiary in accordance with this Subsection shall provide the commissioner written notice within thirty days after establishing the subsidiary or commencing the new activity in the subsidiary.

B. Except as provided in Subsection A of this Section, a state bank shall obtain written approval from the commissioner in order to conduct any activity through a subsidiary.
* * *

§822. Loans and investments

An association may invest in, sell, participate, or otherwise deal in or with the following loans or other investments as hereinafter provided:

(3) The following loans or investments are permitted, but are limited except as provided in this Section to not in excess of the percentage of the assets of the association set forth as follows:

(d) Real estate investments for other than association's offices. The provisions of R.S. 6:243 and 246, and the rules and regulations promulgated thereunder shall be applicable to associations in the same manner as they are applicable to banks.
* * *

§1229.1. Applicability of rules and regulations

The provisions of R.S. 6:243 and 246, and the rules and regulations promulgated thereunder shall be applicable to savings banks in the same manner as they are applicable to banks.

Approved by the Governor, May 24, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 17

HOUSE BILL NO. 417
BY REPRESENTATIVE HILL
AN ACT

To amend and reenact Code of Civil Procedure Article 4521(A)(3) and (B) and to repeal Code of Civil Procedure Article 4521(C), relative to payments to a minor from a judgment or settlement; to provide for the payment of funds to a minor in the custody of the Department of Children and Family Services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4521(A)(3) and (B) are hereby amended and reenacted to read as follows:

Art. 4521. Payments to minor

A. In approving any proposal by which a minor is to be paid funds as the result of a judgment or settlement, the court may order:

(3) That the funds be placed in trust in accordance with the Louisiana Trust

Code to be administered by an individual or corporate trustee as determined by the court. However, the court shall not order funds which will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services to be placed in trust if the amount of the judgment or settlement is less than fifty thousand dollars.
* * *

~~B. In approving any proposal by which funds will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services, the court shall order that the funds be placed in trust in accordance with the Louisiana Trust Code and the provisions of Article 4269.1, to be administered by an individual or corporate trustee as determined by the court.~~

~~C. In determining whether a proposed periodic payment schedule is in the best interest of the minor, the court shall consider the following factors:~~

- (1) Age and life expectancy of the minor.
- (2) Current and anticipated financial needs of the minor.
- (3) Income and estate tax implications.
- (4) Impact on eligibility for government benefits.
- (5) Present value of the proposed payment arrangement and the method by which the value is calculated.

Section 2. Code of Civil Procedure Article 4521(C) 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, May 24, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 18

HOUSE BILL NO. 481
BY REPRESENTATIVES GARY CARTER, BAGNERIS, CONNICK,
EDMONDS, GUINN, JACKSON, JAMES, TERRY LANDRY, LARVADAIN,
LEOPOLD, LYONS, AND DUSTIN MILLER
AN ACT

To amend and reenact R.S. 47:463.73(G) and 463.88(C) and (D) and to enact R.S. 47:463.202, relative to motor vehicle special prestige license plates; to provide for the collection of an annual royalty fee and the fee distribution for the "Kappa Alpha Psi Fraternity, Inc." special prestige license plate; to establish the St. Michael the Archangel High School" special prestige license plate; to establish the "Best Bank" special prestige license plate; to provide for the creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plate; to provide for the fees for such plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.73(G) and 463.88(C) and (D) are hereby amended and reenacted and R.S. 47:463.202 is hereby enacted to read as follows:

§463.73. Special prestige license plate; Louisiana parochial, public, and private high schools
* * *

G. The secretary shall establish special prestige license plates for Archbishop Hannan High School, Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint Katharine Drexel Preparatory School, Acadiana High School, Glen Oaks High School, Neville High School, Carroll High School, Brusly High School, Port Allen High School, Covington High School, Scotlandville Magnet High School, St. Michael the Archangel High School, and any other parochial, public, or private Louisiana high school in accordance with the provisions of this Section as it was enacted.
* * *

§463.88. Special prestige license plates; Kappa Alpha Psi Fraternity, Inc.
* * *

C. The department shall collect ~~a one-time~~ an annual royalty fee of twenty-five dollars for this prestige license plate. The department shall also collect the regular motor vehicle license fee provided for in R.S. 47:463 and a handling fee of three dollars and fifty cents. The department shall retain the handling fee to offset a portion of administrative costs.

~~D. The department shall collect the one-time fee for the prestige license plate and forward the fee to the state treasurer for immediate deposit in the state treasury. Annual royalty fee shall be collected by the department and forwarded to the Kappa Foundation of Kappa Alpha Psi Fraternity, Inc. to be earmarked for Kappa Kamp.~~
* * *

§463.202. Special prestige license plate; "Best Bank"

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Best Bank" plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the member of the House of Representatives representing House District Number 102 to select the color

and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words "Best Bank".

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

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded as follows:

(1) One quarter of the royalty fee shall be dedicated to the Algiers Park Commission to benefit parks and playgrounds within the Algiers community.

(2) One quarter of the royalty fee shall be dedicated to the Early Childhood Care and Education Network for the benefit of early education opportunities and services provided to the Algiers community.

(3) One half of the royalty fee shall be dedicated to the Algiers Development District with one quarter to benefit streets, roads, and other transportation needs within the Algiers community and the remaining one quarter to benefit economic development in the Algiers community.

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

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

Approved by the Governor, May 24, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 19

HOUSE BILL NO. 297

BY REPRESENTATIVES HOWARD AND FOIL

AN ACT

To amend and reenact R.S. 9:3403(A), 3409(B) and (C), 3422(A), 3427, 3428(B) and (C), and 3445(B), R.S. 12:1-121(B), 1-1007(C), 205(A) and (E)(1), 205.1(B) and (C), 238(B), 239.1(A), 241, 243(F)(1) and (H), 247.1(B)(2) and (C)(1)(b), 250(C)(2), 250.1(A), 256(A)(2), 257(B), 262.1(E)(1), 304(A)(11)(a), 307.1, 312(C), 312.1, 313(D), 492(C), 1304(A), 1308.1(B), 1308.2(C)(1), 1308.3(C)(introductory paragraph), 1309(B), 1310(F), 1335.1(A), 1339(B), 1340(A)(1), 1349, 1350.1(B), 1352, 1353(D), 1360(B), 1702, and 1804(A), and R.S. 51:211(A), 215.1(A), and 219 and to enact R.S. 9:3409(D) and 3428(D), R.S. 12:205.1(D), 236(F), 243(G)(5), 308(G), 309(C), 1307(D), 1308(G), 1308.1(C), 1350(G), and 1350.1(C), and R.S. 51:217(C), relative to the secretary of state's office; to provide for filing procedures; to provide for withdrawal procedure; to provide for revocation or suspension of certificate of authority; to provide for conversion of state of organization requests; to provide for confidentiality of information; to make technical corrections; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3403(A), 3409(B) and (C), 3422(A), 3427, 3428(B) and (C), and 3445(B) are hereby amended and reenacted and R.S. 9:3409(D) and 3428(D) are hereby enacted to read as follows:

§3403. Contract of partnership; required content; use of names

A.(1) A contract of partnership filed for registry with the secretary of state shall contain the name and taxpayer identification number of the partnership, the municipal address of its principal place of business in this state, and the name and the municipal address of each partner, including partners in commendam, if any.

(2) The failure to include the taxpayer identification number of the partnership shall not invalidate nor cause the secretary of state to reject the contract.

(3) The secretary of state may prescribe and furnish forms for filing the contract of partnership.

* * *

§3409. Annual report

* * *

B. The secretary of state may prescribe and furnish forms for filing the annual report.

B-C. Any partnership registered with the secretary of state prior to August 15, 1997, shall file an annual report on the next anniversary date of registration.

E-D. The provisions of this Section shall not apply to a partnership which does not have a written agreement.

* * *

§3422. Registration

A.(1) For a foreign partnership to enjoy the rights, privileges and juridical status of a Louisiana partnership, it must file for registry with the secretary of state in the Central Registry for Contracts of Partnership created by R.S. 9:3401 a statement containing all of the following information:

(a) The name and taxpayer identification number of the partnership;

(b) The jurisdiction of its formation;

(c) The designation of an agent for service of process within this state, including his name and municipal address;

(d) The name and municipal address of at least one of its general partners who gives consent under R.S. 9:3424;

(e) The municipal address of its principal place of business outside of this state;

(f) The municipal address of its principal place of business in this state. If the partnership does not have a principal place of business in this state, then the location at the municipal address of the agent for service of process is deemed to be the partnership's principal place of business in this state;

(g) ~~Whether or not~~ If the partnership intends to own immovable property in Louisiana in the partnership name;

(h) If any of the partners are to have limited liability recognized in Louisiana; and,

(i) An affidavit executed by a general partner who certifies the correctness of the information and that he has the authority to make the certification.

(2) The secretary of state may prescribe and furnish forms for filing the statement of registry.

(3) The failure to include the taxpayer identification number of the partnership shall not invalidate nor cause the secretary of state to reject the contract.

(2)(4) The articles of partnership shall not be filed with the registration statement; however, by registering the partnership, the partnership agrees to furnish a true copy of its articles of partnership to the secretary of state within thirty days of his written request.

* * *

§3427. Termination

A duly registered foreign partnership may terminate its registration by written notification to the secretary of state by a person who certifies that he is a partner of the partnership and has the authority to terminate the registration. The secretary of state may prescribe and furnish forms for filing the termination.

§3428. Annual report

* * *

B. The secretary of state may prescribe and furnish forms for filing the annual report.

B-C. Any foreign partnership registered with the secretary of state prior to August 15, 1997, shall file an annual report on the next anniversary date of registration.

E-D. The provisions of this Section shall not apply to a partnership which does not have a written agreement.

* * *

§3445. Certificate of merger or consolidation

* * *

B.(1) The secretary of state may prescribe and furnish forms for filing the agreement and certificate of merger.

~~B.(1)(2)~~ The secretary of state, after all taxes, fees, and charges have been paid as required by law, shall record the agreement, or certificate in lieu thereof, in his office, endorse thereon the date and, if requested, the hour of filing thereof with him, and issue a certificate of merger or consolidation, which shall recite the names of all of the merging and consolidating constituent entities, the name of the state or country under the laws of which each was formed, whether a merger or consolidation is involved, the name of the surviving or new entity, the name of the state or country under the laws of which the new entity is formed, the date, and, if endorsed on the agreement or certificate, the hour of filing of the agreement or certificate with him, and the effective date and time of the merger or consolidation, if stated in the agreement or certificate.

(2)(3) The agreement or certificate may be delivered to the secretary of state in advance for filing as of any specified date and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery. A duplicate original of the certificate of merger or consolidation issued by the secretary of state shall, within thirty days after issuance of the certificate, be filed for record in the conveyance records of each parish in this state in which any of the constituent entities has immovable property, title to which will be transferred as a result of the merger or consolidation.

* * *

Section 2. R.S. 12:1-121(B), 1-1007(C), 205(A) and (E)(1), 205.1(B) and (C), 238(B), 239.1(A), 241, 243(F)(1) and (H), 247.1 (B)(2) and (C)(1)(b), 250(C)(2), 250.1(A), 256(A)(2), 257(B), 262.1(E)(1), 304(A)(11)(a), 307.1, 312(C), 312.1, 313(D), 492(C), 1304(A), 1308.1(B), 1308.2(C)(1), 1308.3(C)(introductory paragraph), 1309(B), 1310(F), 1335.1(A), 1339(B), 1340(A)(1), 1349, 1350.1(B), 1352, 1353(D), 1360(B), 1702, and 1804(A) are hereby amended and reenacted and R.S. 12:205.1(D), 236(F), 243(G)(5), 308(G), 309(C), 1307(D), 1308(G), 1308.1(C), 1350(G), and 1350.1(C) are hereby enacted to read as follows:

§1-121. Forms

* * *

B. The secretary of state may prescribe and furnish ~~on request~~ forms for other documents required or permitted to be filed by this Chapter ~~but their use is not mandatory.~~

* * *

§1-1007. Restated articles of incorporation

* * *

C. A corporation that restates its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the corporation and the entire text of the ~~original~~ articles as amended by all amendments, together with a certificate which states that the restated articles

consolidate the articles of incorporation and all amendments into a single document and, if a new amendment is included in the restated articles, which also includes the statements required under R.S. 12:1-1006.

* * *

§205. Filing and recording articles; issuance and effect of certificate of incorporation; commencement of corporate existence

A. The articles shall be filed with the secretary of state. The secretary of state may prescribe and furnish forms for filing the articles of incorporation. The articles may be delivered to the secretary of state in advance for filing as of any specified date and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery.

* * *

E.(1) If the corporation contracts with the state, a statement acknowledging such contract shall be filed with the secretary of state, and shall include the names and addresses of the board of directors, officers, and all persons or corporate entities who hold an ownership interest of five percent or more in the corporation or who hold by proxy the voting power of five percent or more in the corporation and, if anyone is holding stock in his own name that actually belongs to another, the name of the person for whom held, including stock held pursuant to a counterletter. The statement acknowledging a state contract and ownership and voting interest shall be duly acknowledged, or executed by authentic act. The secretary of state may prescribe and furnish forms for filing such statement.

* * *

§205.1. Annual report to secretary of state

* * *

B. The secretary of state may prescribe and furnish forms for filing the annual report.

~~B.C.~~ Each corporation, except a church, shall pay a filing fee as provided in R.S. 49:222 at the time of filing such report. No church shall be required to pay ~~said~~ the fee.

~~C.(1)~~ D.(1) A church which is a member of and in good standing with a statewide church association may file such report through ~~said~~ the association. The association shall then furnish the required information to the secretary of state. In lieu of submitting the information on a form supplied by the secretary of state, ~~said~~ the association may submit a roster of information, provided that ~~said~~ the roster contains the required information.

(2) A church which is a member of and in good standing with a statewide church association shall not be subject to the penalties otherwise applicable to corporations pursuant to this Title for failure to file annual reports.

* * *

§236. Registered office and agent

* * *

F. The secretary of state may prescribe and furnish forms for filing the notice of change and agent resignation.

* * *

§238. Articles of amendment; contents; filing

* * *

B. The articles of amendment shall be filed with the secretary of state. The secretary of state may prescribe and furnish forms for filing the amendment. Articles of amendment may be delivered to the secretary of state for filing, as of any specified date, and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery. When all fees and charges have been paid as required by law, the secretary of state shall record the articles of amendment in his office, and endorse thereon the date and, if requested, the hour of the filing thereof with him. Thereupon, the amendment shall be effective as of the date and, if endorsed on the articles of amendment, the hour of filing with the secretary of state, except that, if the articles of amendment were so filed within five days, exclusive of legal holidays, after acknowledgment thereof or execution thereof as an authentic act, the amendment shall be effective as of the time of such acknowledgment or execution.

* * *

§239.1. Certificate of correction

A. ~~Whenever the original, amended, or restated articles of incorporation or an initial report a document~~ filed with the secretary of state under any provision of this Chapter is an inaccurate record of the corporate action therein referred to, or is defectively or erroneously executed or acknowledged, such instrument may be corrected by filing with the secretary of state a certificate of correction which shall be executed, acknowledged, filed, and recorded in accordance with this Section. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the portion of the instrument in corrected form. The secretary of state may prescribe and furnish forms for filing the certificate of correction.

* * *

§241. Restatement of articles

A. On authorization of the board of directors, a corporation may execute and file restated articles. Such restated articles shall contain the entire text of the original articles as amended by all amendments thereto, except that names and addresses of incorporators and directors may be omitted; may contain new amendments adopted by a method prescribed in R.S. 12:237 or 239; and shall recite:

(1) That the restatement accurately copies the articles and all amendments thereto in effect at the date of the restatement, without substantive change except as made by any new amendment or amendments contained in the restatement, and indicate any such changes;

(2) That each amendment has been effected in conformity with law;

(3) The date of incorporation and the date of the restatement; ~~and~~

(4) Such other information as may be required by R.S. 12:237, 239 and 240, if the restatement contains any new amendment.

B. The secretary of state may prescribe and furnish forms for filing the restated articles.

~~B.C.~~ The restated articles shall be executed, filed and recorded in the manner provided for articles of amendment in R.S. 12:238, and shall be effective, when recorded by the ~~Secretary~~ secretary of State state, as of the date and, if endorsed on the restated articles, the hour of filing with him.

~~C.D.~~ Upon effectiveness of the restated articles, the original articles and all amendments thereto shall be superseded, and the restated articles shall be deemed to be the articles of incorporation of the corporation.

* * *

§243. Merger or consolidation procedure

* * *

F.(1) The secretary of state may prescribe and furnish forms for filing the merger agreement. The agreement, so adopted, certified and acknowledged, shall be filed with the secretary of state, who, after all incorporation taxes, fees and charges have been paid as required by law, shall record the same in his office, endorse thereon the date and, if requested, the hour of filing thereof with him, and issue a certificate of merger or consolidation which shall recite the names of all of the merging and consolidating corporations, the name of the state or country under the laws of which each was formed, whether a merger or consolidation is involved, the name of the surviving or consolidated corporation, the name of the state or country under the laws of which the consolidated corporation is formed, the date and, if endorsed on the agreement, the hour of filing of the agreement with him, and the effective time of the merger or consolidation, if stated in the agreement.

* * *

G.

* * *

(5) The secretary of state may prescribe and furnish forms for filing the certificate of merger.

H.(1) Notwithstanding approval by the members, and at any time prior to the effectiveness of the merger or consolidation, the merger or consolidation may be abandoned pursuant to a provision for such abandonment, if any, contained in the agreement of merger or consolidation.

(2) The secretary of state may prescribe and furnish forms for abandoning the merger or consolidation.

* * *

§247.1. Change of jurisdiction of incorporation

* * *

B.

* * *

(2) There shall be filed with the secretary of state a certificate as to such authorization by the members or shareholders, signed by an officer of the corporation and acknowledged by the officer who signed it. The secretary of state may prescribe and furnish forms for the certificate. The certificate may be delivered to the secretary of state for filing as of any specified date, and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery.

* * *

C.(1) Such a change may be made by a foreign nonprofit corporation by filing with the secretary of state:

* * *

(b) An application for incorporation under this Chapter, signed by an officer of the corporation and acknowledged by the officer who signed it, setting forth the jurisdiction under the laws of which it is incorporated and the number of issued shares of each class of its authorized stock, if any, or its number of members. The secretary of state may prescribe and furnish forms for the application of incorporation.

* * *

§250. Voluntary proceedings for dissolution; authorization; appointment of liquidators

* * *

C. The members or incorporators authorizing the dissolution may authorize liquidation of the affairs of the corporation out of court, by appointment of one or more liquidators to conduct the liquidation, but the appointment shall not be operative until:

* * *

(2) A certificate that the dissolution has been authorized in accordance with this Section, setting forth the manner of such authorization, has been signed by an officer of the corporation, acknowledged by the officer who signed it, and filed with the secretary of state, who, after all fees and charges have been paid as required by law, shall record the same in his office and endorse thereon the date of filing thereof with him. The secretary of state may prescribe and furnish forms for the certificate.

* * *

§250.1. Dissolution by affidavit

A.(1) In addition to all other methods of dissolution, if the corporation is not doing business and owes no debts, it may be dissolved by filing an affidavit with the secretary of state executed by the shareholders or by the incorporator if no shares have been issued, attesting to such facts and requesting that the corporation be dissolved. Thereafter, the shareholders or the incorporator if no shares have been issued shall be personally liable for any debts or claims,

if any, against the corporation in proportion to their ownership in the shares of the corporation.

(2) The secretary of state may prescribe and furnish forms for the affidavit.

* * *

§256. Certificate of dissolution; assets omitted from liquidation; post-dissolution proceedings

A. When a corporation has been liquidated completely:

* * *

(2) If the proceeding is out of court, the liquidator shall sign and acknowledge a certificate stating that the corporation has been liquidated and is dissolved. The secretary of state may prescribe and furnish forms for the certificate.

* * *

§257. Termination of proceedings for dissolution

* * *

B.(1) At any time before the corporate existence ceases, a voluntary proceeding for dissolution may be terminated by such affirmative vote of the members as was required to commence the proceeding, given at a special meeting called by the liquidator or the board of directors, the notice of which set forth consideration of termination of the proceeding as a purpose of the meeting. Certificates of such action shall be signed by an officer of the corporation and acknowledged by the officer who signed them.

(2) The secretary of state may prescribe and furnish forms for the certificate.

(3) One certificate shall be filed with the secretary of state, who, after all fees and charges have been paid as required by law, shall file the same in his office and endorse thereon the date of filing thereof with him. One certificate shall be filed for record in the office of the recorder of mortgages of the parish in which the corporation's registered office is located, and one certificate shall be filed with the court, if the dissolution is under the supervision of the court.

* * *

§262.1. Failure to file annual reports; revocation and reinstatement of articles; limitation on authority to do business with the state

* * *

E.(1) The certificate of incorporation and articles of incorporation shall be reinstated upon the filing, with the secretary of state and within three years from the effective date of the revocation, of an application of reinstatement, signed and acknowledged by an officer of the corporation, accompanied by a reinstatement fee and a current annual report. The secretary of state may prescribe and furnish forms for the reinstatement and annual report. However, if a suit for liquidation or receivership has been filed at the time the reinstatement is applied for, then the unanimous written consent to the reinstatement by the shareholders, certified by the corporation's secretary to contain the signatures of all of the shareholders, must shall also be filed with the application for reinstatement.

* * *

§304. Application for certificate of authority

A. Application by a foreign corporation to procure a certificate of authority shall be made to the secretary of state and shall set forth:

* * *

(11)(a) If the corporation contracts with the state, a statement acknowledging such contract shall be filed with the secretary of state, and, The secretary of state may prescribe and furnish forms for the statement. The statement shall include the names and addresses of all persons or corporate entities who hold an ownership interest of five percent or more in the corporation or who hold by proxy the voting power of five percent or more in the corporation and, if anyone is holding stock in his own name that actually belongs to another, the name of the person for whom held, including stock held pursuant to a counterletter. The statement acknowledging a state contract and ownership and voting interest shall be duly acknowledged, or executed by authentic act.

* * *

§307.1. Certificate of correction by a foreign corporation

Whenever the original application for a certificate of authority or an application for an amended certificate of authority filed with the secretary of state under any provision of this Chapter is an inaccurate record of the corporate action therein referred to, or is defectively or erroneously executed or acknowledged, such instrument may be corrected by filing with the secretary of state a certificate of correction. The secretary of state may prescribe and furnish forms for filing the certificate of correction. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth that portion of the instrument in corrected form. A certificate of correction shall be executed in the name of the corporation by any officer authorized by resolution or consent of the board of directors.

§308. Registered agent; registered office; principal business establishment; keeping of records by foreign corporation

* * *

G. The secretary of state may prescribe and furnish forms for filing the statement of change and agent resignation.

§309. Annual report

* * *

C. The secretary of state may prescribe and furnish forms for filing the annual report.

* * *

§312. Withdrawal

* * *

C.(1) ~~Two copies of such~~ The application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the provisions of this Chapter, he shall, when all fees, charges,

taxes, unemployment compensation contributions, penalties, and interest have been paid as required by law and evidenced by certificates of the secretary of the Department of Revenue and the administrator of Louisiana Employment Security Law:

(a) ~~Endorse on each application the word "Filed", and the month, day, and year of the filing thereof. Issue a filed copy of the application endorsed with the month, day, and year of filing.~~

(b) ~~File one the~~ application in his office.

(c) ~~Issue a certificate of withdrawal to which he shall affix the other application.~~

(2) The certificate of withdrawal, together with an application for withdrawal affixed thereto and the filed copy of the application for withdrawal, issued by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

§312.1. Termination of withdrawal proceedings

At any time before the certificate of withdrawal is issued by the secretary of state pursuant to R.S. 12:312, withdrawal proceedings may be terminated by delivering to the secretary of state a request that withdrawal proceedings be terminated. The request shall be signed by any officer of the corporation. The secretary of state may prescribe and furnish forms for filing the request to terminate withdrawal proceedings. After all fees and charges have been paid as required by law, the secretary of state shall place the request to terminate withdrawal proceedings on file in his office. The secretary of the Department of Revenue and the administrator of Louisiana Employment Security Law shall be notified by the secretary of state of the termination of withdrawal proceedings.

§313. Revocation of certificate of authority

* * *

D.(1) The certificate of authority of a foreign corporation to transact business in this state may be suspended by the secretary of state when, according to the records of his office, such foreign corporation is not in compliance with ~~Paragraphs~~ Paragraph (A)(1), (2), (3), or (4) of Subsection A of this Section and the secretary of state is authorized to revoke the suspension where the failure to comply with ~~said the Paragraphs~~ Paragraph has been remedied by compliance.

~~Before the certificate of authority of a foreign corporation is suspended under the provisions of this Subsection, any corporation having failed to comply with such Paragraphs, according to the records of the office of the secretary of state, shall be notified in writing at its last known address of such noncompliance, and the notice shall afford any such corporation fifteen days from the receipt of the written notice to comply with Paragraphs (1), (2), (3), or (4) of Subsection A of this Section, or to show cause why the written notice should not have been given.~~

~~The secretary of state is authorized to hold hearings and take evidence where the corporation undertakes to show cause why its certificate of authority should not be suspended and to make an order suspending the certificate of authority in the light of such evidence where the order is justified according to same. The order shall be recorded in the archives of his office.~~

~~Where notice of noncompliance has been furnished as provided in this Subsection and no showing or reply has been made within the fifteen day period allowed, it shall be presumed that the corporation has failed to comply with Paragraphs (1), (2), (3), or (4) of Subsection A of this Section and the secretary of state may suspend the certificate of authority of any such corporation.~~

(2) The secretary of state shall give the corporation at least sixty days written notice of the secretary's intention to suspend the corporation's certificate of authority. The notice shall be mailed to the corporation's last known address by United States mail.

(3) In the event any such corporation thereafter complies with the requirements of ~~said paragraphs~~, Paragraph (A)(1), (2), (3), or (4) of this Section, or shows that it was already in compliance with same, the secretary of state is authorized to revoke any suspension issued by him in respect to ~~said the~~ corporation and to restore ~~same the corporation~~ to good standing and record same in the archives of his office.

(4) If a corporation's certificate of authority is suspended for failure to file its annual report within the time required by this Chapter as referenced in Paragraph (A)(1) of this Section, and has been suspended for six months or more, the secretary of state shall revoke the suspension only if the required annual report is accompanied by a certificate of corporate existence or a certificate of good standing, not a certified copy of the corporation's articles or certificate of incorporation, from an authorized official of the jurisdiction of its incorporation bearing an original signature and dated within ninety days of its submission.

~~Where any order of suspension is made under this Subsection, the secretary of state shall forward a certified copy of the order to the corporation's last known address by certified mail, return receipt requested. Similar notice shall be furnished in the event of revocation of such suspension.~~

(5) The provisions of R.S. 12:314 shall be applicable to any suspension made pursuant to this Subsection.

* * *

§492. Qualification and restrictions and procedural rights

* * *

C. Any such trust shall be subject to such applicable provisions of law, now or hereafter enacted, with respect to domestic and foreign corporations, respectively, as relate to the issuance of securities, filing of required statements or reports, service of process, general grants of power to act, right

to sue and be sued, limitation of individual liability of shareholders, rights to acquire, mortgage, sell, lease, operate and otherwise to deal in real and personal property, and other applicable rights, and duties existing under the statutes of this state in a manner similar to those applicable to domestic and foreign corporation, except that the provision of R.S. ~~12:23~~ 12:1-401 and R.S. 12:204 relative to the use of the word "Trust" shall not be applicable to real estate investment trusts, as herein defined.

* * *

§1304. Formation

A. One or more persons capable of contracting may form a limited liability company by filing the articles of organization and the initial report with the secretary of state. The articles of organization and initial report may be delivered to the secretary of state in advance for filing as of any specified date and, if specified upon such delivery, as of any given time on such date within thirty days after the date of delivery. The secretary of state may prescribe and furnish forms for filing the articles of organization and initial report.

* * *

§1307. Reservation of name; transfer of reserved name

* * *

D. The secretary of state may prescribe and furnish forms to reserve the name and transfer the name.

§1308. Registered office and registered agent

* * *

G. The secretary of state may prescribe and furnish forms to file the notice of change and agent resignation.

§1308.1. Annual report

* * *

B. The secretary of state may prescribe and furnish forms to file the annual report.

B-C. The provisions of this Section shall apply to any domestic limited liability company organized on or after July 7, 1992.

§1308.2. Failure to file annual report; revocation and reinstatement of articles; limitation on authority to do business with the state

* * *

C.(1) The articles of organization shall be reinstated if each of the following is filed with the secretary of state within three years of the effective date of the revocation:

(a)(i) An application for reinstatement, signed and acknowledged by a member or manager.

(ii) The secretary of state may prescribe and furnish forms for filing the application for reinstatement.

(iii) If a suit for liquidation or receivership of the limited liability company has been filed at the time at which such application is made, the application shall be accompanied by a document indicating the unanimous written consent to the reinstatement by all members or managers.

(iv) The limited liability company shall certify the signatures of all managers or members on such document.

(b) The current annual report of the limited liability company.

(c) The fee for reinstatement proceedings authorized by R.S. 12:1364(A)(1).

* * *

§1308.3. Conversion of state of organization

* * *

C. The domestic or foreign limited liability company seeking conversion shall file with the secretary of state a written request for conversion of the state of organization. If the company is manager-managed, the request shall be executed by a manager of the company. The request for conversion shall be acknowledged by at least one of the persons who signed it or may be executed by authentic act. The secretary of state may prescribe and furnish forms for filing the request for conversion. If the company is member-managed, the request shall be executed by a member of the company. The request shall contain all of the following:

* * *

§1309. Amendment of articles of organization

* * *

B. After an amendment has been adopted as provided by this Chapter, articles of amendment setting forth the amendment, the date, and manner of adoption thereof shall be executed in the limited liability company's name by a manager of the limited liability company, if management of the limited liability company is vested in one or more managers pursuant to R.S. 12:1312, or by at least one member of the limited liability company, if management of the limited liability company is reserved to the members. The articles of amendment shall be acknowledged by at least one of the persons who signed them or may be executed by authentic act. The secretary of state may prescribe and furnish forms for filing the amendment.

* * *

§1310. Certificates of correction

* * *

F. The certificate of correction shall be executed by a manager of the limited liability company, if management of the limited liability company is vested in one or more managers pursuant to R.S. 12:1312, or by at least one member, if management of the limited liability company is reserved to the members. The certificate of correction shall be acknowledged by at least one of the persons who signed it or may be in the form of an authentic act. The certificate of correction shall be filed with the secretary of state, who, after all taxes, fees, and charges have been paid as required by law, shall record the certificate of correction in his office and endorse thereon the date and, if requested, the

hour of the filing thereof with him. The secretary of state may prescribe and furnish forms for filing the certificate of correction.

* * *

§1335.1. Dissolution by affidavit

A. In addition to all other methods of dissolution, if a limited liability company is no longer doing business, owes no debts, and owns no immovable property, it may be dissolved by filing an affidavit with the secretary of state executed by the members or by the organizer, if no membership interests have been issued, attesting to such facts and requesting that the limited liability company be dissolved. Thereafter, the members, or the organizer if no membership interests have been issued, shall be personally liable for any debts or other claims against the limited liability company in proportion to their ownership interest in the company. The secretary of state may prescribe and furnish forms for filing the affidavit.

* * *

§1339. Articles of dissolution

* * *

B.(1) The articles of dissolution shall be signed by one or more managers, if management of the limited liability company is vested in one or more managers pursuant to R.S. 12:1312, or one or more members, if management of the limited liability company is reserved to the members, acknowledged by one of the persons executing the articles and filed with the secretary of state, who, after all fees and charges have been paid as required by law, shall record the same in his office and endorse thereon the date of filing thereof with him.

(2) The secretary of state may prescribe and furnish forms for filing the articles of dissolution.

§1340. Certificate of dissolution; assets omitted from liquidation; post-dissolution proceedings

A. When a limited liability company has been liquidated completely:

(1) One or more members or the liquidator shall sign and acknowledge a certificate stating that the limited liability company has been liquidated and is dissolved. The secretary of state may prescribe and furnish forms for filing the certificate.

* * *

§1349. Certificate of correction by a foreign limited liability company

A. Whenever the original application for a certificate of authority or an application for an amended certificate of authority filed with the secretary of state under any provision of this Chapter is an inaccurate record of the action therein referred to, or is defectively or erroneously executed or acknowledged, such instrument may be corrected by filing with the secretary of state a certificate of correction.

B. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth that portion of the instrument in corrected form.

C. A certificate of correction shall be executed in the name of the limited liability company by a manager, if management of the limited liability company is vested in one or more managers, or a member, if management is reserved to the members of the limited liability company.

D. The secretary of state may prescribe and furnish forms for filing the certificate of correction.

§1350. Registered agent; registered office; principal business establishment; keeping of records by foreign limited liability company

* * *

G. The secretary of state may prescribe and furnish forms for filing the statement of change and agent resignation.

§1350.1. Annual report

* * *

B. The secretary of state may prescribe and furnish forms for filing the annual report.

B-C. The provisions of this Section shall apply to any foreign limited liability company qualified on or after July 7, 1992.

* * *

§1352. Termination of withdrawal proceedings

At any time before the certificate of withdrawal is issued by the secretary of state pursuant to R.S. 12:1351, withdrawal proceedings may be terminated by delivering to the secretary of state a request that withdrawal proceedings be terminated. The request shall be signed by a manager, if management of the limited liability company is vested in one or more managers, or a member, if management is reserved to the members. The secretary of state may prescribe and furnish forms for filing the request to terminate withdrawal proceedings. After all fees and charges have been paid as required by law, the secretary of state shall place the request to terminate withdrawal proceedings on file in his office and shall acknowledge receipt of the request by returning the application for withdrawal forms to the limited liability company or its representative. The secretary of the Department of Revenue and the administrator of Louisiana Employment Security Law shall be notified by the secretary of state of the termination of withdrawal proceedings.

§1353. Revocation or suspension of certificate of authority; limitation on authority to do business with the state

* * *

D.(1) The certificate of authority of a foreign limited liability company to transact business in this state may be suspended by the secretary of state when, according to the records of his office, such foreign limited liability company is not in compliance with a requirement of this Chapter or other relevant law as stated in Paragraphs (A)(1) through (4) of ~~Subsection A~~ of this Section. The secretary of state is authorized to revoke the suspension when any such failure to comply has been remedied by compliance.

(2) Before the certificate of authority of a foreign limited liability company is suspended under the provisions of this Subsection, any limited liability company having failed to comply with any such requirement, according to the records of the office of the secretary of state, shall be notified in writing at its last known address of such noncompliance, and the notice shall afford any such limited liability company fifteen days from the receipt of the written notice to comply with any such requirement or to show cause why the written notice should not have been given. The secretary of state is authorized to hold hearings and take evidence when the limited liability company undertakes to show cause why its certificate of authority should not be suspended and to make an order suspending the certificate of authority in the light of such evidence when the order is justified. The order shall be recorded in the archives of the secretary of state.

(3) When notice of noncompliance has been furnished as provided in this Subsection and no showing or reply has been made within the fifteen-day period allowed, it shall be presumed that the limited liability company has failed to comply with a requirement of this Chapter or other relevant law as stated in Paragraphs (1) through (4) of Subsection A of this Section and the secretary of state may suspend the certificate of authority of any such limited liability company. The secretary of state shall give the limited liability company at least sixty days written notice of the secretary's intention to suspend the limited liability company's certificate of authority. The notice shall be mailed to the limited liability company's last known address by United States Postal Service mail. In the event any such limited liability company thereafter complies with any such requirement, or shows that it was already in compliance with same, the secretary of state is authorized to revoke any suspension issued by him in respect to such limited liability company, to restore same to good standing, and to record same in the archives of his office. If a limited liability company's certificate of authority is suspended for failure to file its annual report within the time required by this Chapter as referenced in Paragraph (A)(9) of this Section, and has been suspended for six months or more, the secretary of state shall revoke the suspension only if the required annual report is accompanied by a certificate of existence or a certificate of good standing, not a certified copy of the limited liability company's articles or certificate of organization, from an authorized official of the jurisdiction of its organization bearing an original signature and dated within ninety days of its submission. Where any order of suspension is made under this Subsection, the secretary of state shall forward a certified copy of the order to the limited liability company's last known address by certified mail, return receipt requested. Similar notice shall be furnished in the event of revocation of such suspension.

* * *
§1360. Certificate of merger or consolidation
* * *

B.(1) The secretary of state may prescribe and furnish forms for filing the agreement and certificate of merger.

(2) The secretary of state, after all taxes, fees, and charges have been paid as required by law, shall record the agreement, or certificate in lieu thereof, in his office, endorse thereon the date and, if requested the hour of filing thereof with him, and issue a certificate of merger or consolidation, which shall recite the names of all of the merging and consolidating constituent entities, the name of the state or country under the laws of which each was formed, whether a merger or consolidation is involved, the name of the surviving or new entity, the name of the state or country under the laws of which the new entity is formed, the date, and, if endorsed on the agreement or certificate, the hour of filing of the agreement or certificate with him, and the effective date, and time, of the merger or consolidation, if stated in the agreement or certificate.

(2)(3) The agreement or certificate may be delivered to the secretary of state in advance for filing as of any specified date and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery. A duplicate original of the certificate of merger or consolidation issued by the secretary of state shall, within thirty days after issuance of the certificate, be filed for record in the conveyance records of each parish in this state in which any of the constituent entities has immovable property, title to which will be transferred as a result of the merger or consolidation.

* * *
§1702. ~~Electronic mail addresses and short message service numbers;~~ Confidentiality of information

A. Any electronic mail address, internet protocol address number, or short message service number submitted to or captured by the secretary of state pursuant to the provision of this Title shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Department of State.

B. Computer system or program information, including software, related menus, flow charts, network diagrams, user names, non-public uniform resource locators, database object names, computer names, device identifiers and materials, prompts, dialogues, operating and instruction manuals, programming materials or instructions, any other computer operating or support materials relating to the secretary of state's computer systems and equipment, and any information contained within the secretary of state's computer systems which if disclosed may impair the security of the secretary of state's information technology infrastructure shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Department of State.

C. The provisions of Subsection A of this Section shall not prohibit the disclosure of electronic mail addresses, internet protocol address numbers, or short message service numbers by the secretary of state or any employee

or official of the Department of State to an agency, official, or employee of state government or of a political subdivision of the state in the course of the interaction of the agency, official, or employee with the Department of State. An agency, official, or employee that receives electronic mail addresses, internet protocol address numbers, or short message service numbers pursuant to this Subsection shall use the electronic mail addresses, internet protocol address numbers, or short message service numbers only for the governmental purposes for which the information was submitted or captured, shall not disclose the electronic mail addresses, internet protocol address numbers, or short message service numbers, and shall maintain the confidentiality of the electronic mail addresses, internet protocol address numbers, and short message service numbers.

* * *
§1804. Election of status; corporate name

A. A business corporation incorporated in accordance with R.S. ~~12:21~~ 12:1-201 et seq., may elect to be a benefit corporation under this Chapter by stating in its articles that it is a benefit corporation subject to this Chapter.

* * *
Section 3. R.S. 51:211(A), 215.1(A), and 219 are hereby amended and reenacted and R.S. 51:217(C) is hereby enacted to read as follows:

§211. Definitions

A. The term "trademark" as used herein means any ~~work~~ word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

* * *
§215.1. Certificate of correction

A.(1) Whenever the original certificate of registration filed with the secretary of state under any provision of this Chapter is an inaccurate record of the trade name action, trademark action, or service mark action therein referred to, or is defectively or erroneously executed or acknowledged, such instrument may be corrected by filing with the secretary of state a certificate of correction which shall be executed, acknowledged, filed, and recorded in accordance with this Section.

(2) The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth that portion of the instrument in correct form.

(3) The secretary of state may prescribe and furnish forms for filing the certificate of correction.

* * *
§217. Assignment

* * *
C. The secretary of state may prescribe and furnish forms for assigning a trade name, trademark, and service mark.

* * *
§219. Cancellation

A. The secretary of state shall cancel from the register:

(1) After one year from July 31, 1968, all registrations under prior acts which are more than ten years old and not renewed in accordance with this Subpart;

(2) Any registration concerning which the secretary of state shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(3) All registrations granted ~~under~~ pursuant to this Subpart and not renewed in accordance with the provisions hereof;

(4) Any registration concerning which a court of competent jurisdiction shall find:

(a) That the registered mark has been abandoned;

(b) That the registrant is not the owner of the mark;

(c) That the registration was granted improperly;

(d) That the registration was obtained fraudulently;

(e) That the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled.

(5) When a court of competent jurisdiction shall order cancellation of a registration on any ground.

B. The secretary of state may prescribe and furnish forms for filing a voluntary cancellation of registration in accordance with Subsection A of this Section.

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, May 28, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 20

HOUSE BILL NO. 2
Capital Outlay
will publish in a later edition.

ACT No. 21

HOUSE BILL NO. 343
BY REPRESENTATIVE STEVE CARTER
AN ACT

To amend and reenact R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C), 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii), 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b) (iv) and (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory paragraph), (2)(c), (3), (5), and (6), 4015(introductory paragraph), 4017(B), 4020, 4022(3), and 4025 and to repeal R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and R.S. 36:651(G)(1) and (3) and to provide for technical corrections in various education laws in Title 17 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C), 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii), 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv) and (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory paragraph), (2)(c), (3), (5), and (6), 4015(introductory paragraph), 4017(B), 4020, 4022(3), and 4025 are hereby amended and reenacted to read as follows:

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

(8) Except as otherwise provided by law, approve private and proprietary schools in accordance with the provisions of ~~R.S. 17:10~~ R.S. 17:11 and any other applicable laws law.

§46. Sabbatical leave program
G.

(2) Every person on sabbatical leave for the purpose of professional or cultural improvement shall; pursue a program of study during each semester of leave:

(a) ~~Pursue a program of study, earning and shall earn~~ at least nine undergraduate credit hours ~~provided such hours that~~ directly improve the person's skills and knowledge as a teacher; ~~or six graduate credit hours; or shall be a certified a full-time student at an a postsecondary education institution of higher learning accredited by the board of education of the state or territory in which such institution is located; provided that in case If less than fifteen weeks is so spent, the number of weeks less than fifteen not so spent shall be spent in one or the other of the two alternatives below enumerated;~~

(b) ~~Pursue pursuing~~ a program of independent study, research, authorship, or investigation which ~~involved involves~~ an approximately equivalent amount of work and which is approved by the employing special school; or

(c) ~~Engage engaging~~ in travel which is so planned as to be of definite educational value and which is approved by the employing special school.

R. Notwithstanding any other provision of law to the contrary, all decisions relative to the granting of leave pursuant to this Section shall be made by the superintendent of the ~~local public school system~~ Special School District.

§81. General powers of local public school boards
X.

(2)

(b) The governing authority of each public school may consult and partner with the following individuals whom the governing authority may authorize to participate in providing the instruction:

(i) Emergency medical technicians, paramedics, physicians, nurses, respiratory therapists, police officers, deputy sheriffs, nurse practitioners, athletic trainers, firefighters, and any ~~persons person~~ included in the definition of "health care provider" provided in ~~R.S. 40:1299.41~~ R.S. 40:1231.1, each of whom shall be certified in cardiopulmonary resuscitation and must be currently licensed, certified, or commissioned according to his respective occupation in order to participate in providing such instruction. If it is in accordance with the laws, rules, or regulations governing his profession, if applicable, an instructor may apply the hours spent performing this instruction toward fulfilling professional requirements relative to performing community service.

§221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges

A.
* * *
(2) Whoever violates the provisions of this Subsection ~~or R.S. 17:234~~ shall be fined not more than two hundred and fifty dollars or imprisoned not more than thirty days, or both. The court shall impose a minimum condition of probation which may include that the parent, tutor, or other person having control or charge of the child participate in forty hours of school or community service activities, or a combination of forty hours of school or community service and attendance in parenting classes or family counseling sessions or programs approved by the court having jurisdiction, as applicable, or the suspension of any state-issued recreational license.
* * *

§1519.3. Louisiana State University Health Sciences Center-New Orleans; health care services division organization
* * *

C. The board or the division shall not authorize a hospital to reduce health care services provided by any one of the hospitals of the ~~Health Care Services Division~~ health care services division in any manner which causes expenditures of any hospital to be reduced on an annualized basis by greater than thirty-five percent of the previous fiscal year actual spending level. If any services are reduced by greater than fifteen percent in any one year, legislative approval ~~must shall~~ be obtained before reducing such services greater than fifteen percent in any year for the next three years. Funding may be provided by any local, regional, state, federal, or private sources to augment existing funding or to restore reduced funding.
* * *

§1519.6. Funding and budget
* * *

C. Revenues from the Medicaid program for Medicaid costs included in the operating budget for hospitals operated by the LSU Health Sciences Center-New Orleans and the LSU Health Sciences Center-Shreveport shall not exceed the amount of such revenues which are budgeted and allocated for such purpose in the Medicaid budget until implementation by the Louisiana Department of Health of a common Medicaid payment methodology for all state and nonstate acute care hospitals. To ensure compliance with the Rural Hospital Preservation Act, any Medicaid common payment methodology applicable to a rural hospital as defined in ~~R.S. 40:1300.143(3)~~ R.S. 40:1189.3 shall maximize Medicaid reimbursement as required by ~~R.S. 40:1300.144(A)~~ (2) R.S. 40:1189.4(A)(2). If the amount of such revenues budgeted and allocated for such purpose in the Medicaid budget is revised during a fiscal year, the Louisiana Department of Health shall notify the board of such revision. Upon receipt of the notification, the board shall adjust the operating budget for these hospitals which adjustment shall be in conformity with the revision.
* * *

E.(1) Notwithstanding any provision of law to the contrary, the LSU Health Sciences Center - ~~Health Care Services Division~~ health care services division, the LSU Health Sciences Center - New Orleans, and the LSU Health Sciences Center - Shreveport are hereby authorized and directed to deposit into the state general fund all receipts of lease payments for the public/private partnership leases of state hospital buildings and equipment net of clinic and hospital lease payments made by the LSU Health Sciences Center - ~~Health Care Services Division~~ health care services division.
* * *

§1519.14. Southern University Planning Council
A. There is hereby established the Southern University Planning Council within the LSU Health Sciences Center New Orleans-~~Health Care Services Division~~ health care services division.
* * *

§1976. Funding; inclusion in the minimum foundation program formula; other appropriated state funds
* * *

B. ~~THRIVE The Thrive~~ Academy shall be considered a public school for purposes of receiving funding through the minimum foundation program of education, in the same manner as for other public schools as contained in the minimum foundation program budget letter approved by the State Board of Elementary and Secondary Education. The school shall also be eligible to receive such other funding as may be specifically appropriated by the legislature.
* * *

§2048.51. Louisiana Health Works Commission; creation; membership; compensation; staff and facilities; powers and duties; data collection and reporting
* * *

O.(1) The Board of Regents, the Health Works Commission, the division of administration, or any contractor working on behalf of these entities shall be authorized to request and receive licensing data, education data, and employment data, including unemployment wage records and other related health workforce data produced by state agencies, including the Louisiana Workforce Commission and the departments of economic development, education, and health and hospitals, obtained pursuant to the administration of this Chapter for any of the expressly stated following purposes:
* * *

(c) Compiling statistics which will be used to measure and track the supply of licensed health care professionals as evidenced by licenses and renewed licenses granted by the health care professional boards of the state of Louisiana. Those boards affected shall include but not be limited to:

(viii) ~~Louisiana~~ Board of Examiners of Nursing Facility Administrators.

(xi) ~~Louisiana State Board of Physical Therapy Examiners Board.~~

(xvii) Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners.

§3046.2. Administration; rulemaking authority

B. The ~~Louisiana Student Financial Assistance Commission Board of Regents~~, through the office of student financial assistance, shall administer the program and shall adopt rules necessary to implement the provisions of this Chapter in accordance with the Administrative Procedure Act.

§3128. Power to formulate master plan; mission establishment

B.

(3) Each mission statement devised pursuant to this Section shall include a description of all of the following:

(a) The intended role and scope of each system and institution, describing with some specificity including descriptions of its geographic service area and the student population intended to be served;

(b) Its public service contribution;

(c) Its academic and research goals, particularly describing including descriptions of programs being emphasized; and

(d) Its contribution toward; and proper role in; the collective goals of public higher postsecondary education of diversity, access, and excellence.

§3139.5. Tuition autonomy; operational autonomy contingent on audit findings

B.

(2) The operational autonomies that may be granted pursuant to this Subsection are:

(d)(i) Authority to participate in the higher education procurement code as established by Louisiana State University and Agricultural and Mechanical College and approved by the division of administration. Each postsecondary educational education management board may adopt the higher education procurement code, with amendments necessary to insert the name of the each management board into the procurement code and to implement the code but excluding any substantive changes, pursuant to rules and regulations adopted in accordance with the Administrative Procedure Act. Any entity whose budget is appropriated through Schedule 19-Higher Education or 19E-LSU Health Sciences Center- Health Care Services Division health care services division may use the higher education procurement code in lieu of the Louisiana Procurement Code as provided in R.S. 39:15.3, 196 through 200, and 1551 through 1755, subject to the prior review and approval of the Joint Legislative Committee on the Budget. Any changes to the higher education procurement code after an initial five-year period shall be submitted to the Joint Legislative Committee on the Budget for approval. However, there shall be only one higher education procurement code except for nonsubstantive changes required to implement the code.

(e)(i) Exemption from participation in the state's risk management program established by R.S. 39:1527 et seq. and administered by the office of risk management, pursuant to a determination by the division of administration that the institution or management board, as applicable, has the capacity to manage its own risk and a phased-in plan of implementation as determined by the institution in collaboration with the attorney general and the division of administration, subject to the prior review and approval of the Joint Legislative Committee on the Budget. This exemption shall not include the coverage provided by the state's risk management program pursuant to R.S. ~~40:1299-39~~ 40:1237.1.

§3399.13. Definitions

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

(1) "Institution" means a public postsecondary education institution as defined in R.S. ~~17:3399.12~~.

§3911. Data collection system; establishment

B.

(4)

(b) The data collection system shall also include information on student discipline for each public school by percentage and unduplicated counts of total students with exceptionalities receiving discipline, including:

(iv) Out-of-school ~~suspensions~~, expulsions, broken down by categories of ten days or less and more than ten days.

(c) The data ~~collect~~ collection system shall also include:

§4011. Short title

This Chapter Part shall be known and may be cited as the "Student Scholarships for Educational Excellence Act".

§4012. Legislative findings

The legislature finds and declares that:

(6) It is the intent of this Chapter Part to create additional options for all children, including those with special needs or requiring special education services.

(7) Any delay in implementation of this Chapter Part would work to the detriment of children.

§4013. Definitions

As used in this Chapter Part, unless otherwise clearly indicated, the following terms mean:

(2) "Eligible student" means a student who resides in Louisiana, is a member of a family with a total income that does not exceed two hundred fifty percent of the current federal poverty guidelines as established by the federal office of management and budget, and who meets any one of the following criteria:

(c) Received a scholarship pursuant to this Chapter Part in the previous school year.

(3) "Participating school" means a nonpublic school that meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter or a public school that meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter subject to any court-ordered desegregation plan in effect for the school system in which the public school is located.

(5) "Scholarship" means the funds awarded to a parent or other legal guardian on behalf of an eligible student to attend a participating public or nonpublic school pursuant to this Chapter.

(6) "Scholarship recipient" means an eligible student who is awarded a scholarship pursuant to this Chapter.

§4015. Program administration

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

§4017. Payment of scholarships

B. Notwithstanding any other provision of this Chapter Part to the contrary, any public or private entity, including any nonprofit organization, may make a directed donation to any participating school for a scholarship recipient.

§4020. School participation; application

A. Participation in this program by a school is voluntary, and nothing in this Chapter Part shall be construed to authorize any additional regulation of participating schools beyond that specifically authorized by this Chapter Part.

B. Any school that wishes to participate in the program and enroll scholarship recipients annually shall notify the department of its intent to participate in the program by February first of the previous school year; ~~except that for the 2012-2013 school year, a school that seeks to participate in the program shall notify the department of its intent to participate not later than June 30, 2012.~~ The notice shall specify the number of seats the school will have available for scholarship recipients at each grade level and the maximum amount of tuition attributable to each available seat, as applicable.

§4022. Participating schools; requirements

Each participating school shall:

(3) Submit to the department an independent financial audit of the school conducted by a certified public accountant who has been approved by the legislative auditor. Such audit shall be accompanied by the auditor's statement that the report is free of material misstatements and fairly presents the participating school's maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The audit shall be limited in scope to those records necessary for the department to make scholarship payments to the participating school and shall be submitted to the legislative auditor for review and investigation of any irregularities or audit findings. The participating school shall account for all scholarship funds separately from other funds by maintaining funds in a separate account or by using accounting procedures that allow the legislative auditor to identify the separate funds pursuant to the authority of this Section. Such accounting shall allow for thorough auditing of the receipt and expenditure of state scholarship funds allocated through the department. The participating school shall return to the state any funds that the legislative auditor determines were expended in a manner inconsistent with state law or program regulations. The cost of such audit shall be paid by the department from funds appropriated by the legislature to implement the provisions of this Chapter Part.

§4025. Rules; severability

A. The State Board of Elementary and Secondary Education shall adopt

and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this ~~Chapter Part~~.

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

C. The severability provision hereof shall be broadly construed so as to give effect to each and every possible provision or application of this ~~Chapter Part~~ which is not specifically held invalid, unlawful, or unconstitutional.

Section 2. R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and R.S. 36:651(G)(1) and (3) are hereby repealed in their entirety.

Section 3. R.S. 17:1519.2(C)(1) as amended by Acts 2017, No. 97, §1, terminates on December 31, 2019, in accordance with Acts 2016, No. 537, §2.

Approved by the Governor, May 28, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 22

SENATE BILL NO. 1
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 11:3509, relative to the investments of certain local police pension and relief funds; to allow the board of trustees for the Bossier City fund to invest the monies in their trust as generally permitted for political subdivisions; 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. 11:3509 is hereby amended and reenacted to read as follows: §3509. Investment of fund

The A. Except as provided in Subsection B of this Section, the board may invest the permanent fund or any portion thereof in the name of the "Board of Trustees of the Police Pension and Relief Fund" in interest-bearing bonds or securities issued or backed by the United States, the state of Louisiana, or the municipality in which the board is located or in certificates of deposit in banks of the United States and/or the state of Louisiana. All securities shall be deposited with the treasurer, subject to the orders of the board.

B. The board of trustees of the police pension and relief fund for the city of Bossier City may invest the permanent fund or any portion thereof in the name of the "Board of Trustees of the Police Pension and Relief Fund" as provided in R.S. 33:2955.

Section 2. This Act shall become effective on June 30, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 23

SENATE BILL NO. 11
BY SENATOR MORRISH
AN ACT

To enact R.S. 38:1843(C), relative to the boards of commissioners of the consolidated gravity drainage districts of Calcasieu Parish; to authorize an increase in the membership of the boards of commissioners; 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. 38:1843(C) is hereby enacted to read as follows: §1843. Board of commissioners

* * *

C. Notwithstanding the provisions of Subsection A of this Section, the boards of commissioners of the consolidated gravity drainage districts of Calcasieu Parish may consist of seven members, subject to all other requirements of qualifications for office provided in Subsection A of this Section.

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

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 24

SENATE BILL NO. 12
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 33:2541.1(B)(1)(b), relative to the position of deputy chief of police for the city of Jennings; to provide for qualifications; 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. 33:2541.1(B)(1)(b) is hereby amended and reenacted to read as follows:

§2541.1. Deputy chief of police; competitive appointment

* * *

B.(1)

* * *

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in the city of Jennings, the qualifications for the position of deputy chief of police shall be not less than ~~ten~~ **five** years of full-time law enforcement experience of which ~~not less than two years shall be in the classified police service of the Jennings Municipal Fire and Police Civil Service at the time of appointment as deputy chief of police.~~

* * *

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

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 25

SENATE BILL NO. 24
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 47:1923(D)(1)(a), relative to the assessor's office in Caddo Parish; to provide relative to the payment of certain group insurance premiums for retirees; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1923(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. 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 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, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 26

SENATE BILL NO. 31
BY SENATOR FANNIN AND REPRESENTATIVES ADAMS, TERRY
BROWN, CARPENTER, STEVE CARTER, GISCLAIR, GUINN, HILL,

HOWARD, MARCELLE AND POPE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT

To provide relative to state highways; to designate a portion of Louisiana Highway 34 in Jackson Parish as the "Second Lieutenant Harvel Moore Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 34 between its intersection with the north corporate limits of the town of Chatham and south to its intersection with Louisiana Highway 4, all in Jackson Parish, is hereby designated as the "Second Lieutenant Harvel Moore Memorial Highway".

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 27

SENATE BILL NO. 44
BY SENATOR JOHNS
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 47:322.11(B), relative to the Lake Charles Civic Center Fund; to provide relative to the issuance of bonds payable from the Lake Charles Civic Center Fund; to authorize the city of Lake Charles to issue bonds secured by and payable from the Lake Charles Civic Center Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:322.11(B) is hereby amended and reenacted to read as follows:

§322.11. Disposition of certain collections in Calcasieu Parish

B.(1) The avails from the sales of services in Ward 3 of Calcasieu Parish shall be deposited in and credited to a special fund which is hereby created in the state treasury and designated as the "Lake Charles Civic Center Fund". The monies in the Lake Charles Civic Center Fund shall be subject to annual appropriation by the legislature. The monies in the fund shall be available exclusively for use by the city of Lake Charles for the operation, maintenance, and capital improvements for the Lake Charles Civic Center in Calcasieu Parish. All unexpended and unencumbered monies in the fund shall remain in the fund. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the general fund, and all interest earned shall be deposited into the state general fund.

(2) The ~~city of Lake Charles Civic Center Authority~~ may issue bonds payable from a pledge and dedication of the ~~amounts~~ amount of proceeds of the tax in the Lake Charles Civic Center Fund. However, prior to the issuance of such bonds, the ~~city of Lake Charles Civic Center Authority~~ shall obtain the approval of a majority of the members of the governing authority of Calcasieu Parish, ~~and the approval, given by majority vote, of each other governing authority which appoints members to the Lake Charles Civic Center Authority.~~

(3) Whenever such bonds are issued, the legislature shall annually appropriate, to the extent of deposits in the fund, monies sufficient to pay the principal, interest, and premium, if any, due on the bonds each year. If the legislature, after a diligent and good faith effort, fails to appropriate sufficient monies to pay the principal, interest, and premium, if any, due on the bonds each year, or if such appropriation cannot be effected, the state shall in no way be a party to any contractual rights arising from the bonds issued, nor shall the state be in any way obligated for any payments due to holders of the bonds issued under the provisions of this Section.

(4) Bonds issued pursuant to this Subsection shall not be subject to the provisions of R.S. 39:112(G).

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, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 28

SENATE BILL NO. 70
BY SENATOR DONAHUE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT

To enact R.S. 13:2586(C)(6), 2587.3 and 2589(D), relative to justice of the peace courts in St. Tammany Parish; to provide relative to jurisdiction and procedures; to provide relative to property standards and nuisance violations; to provide for actions by constables; to provide relative to procedures and reimbursement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13: 2586(C)(6), 2587.3 and 2589(D) are hereby enacted to read as follows:

§2586. Jurisdiction and procedure

C.

(6)(a) A constable of a justice of the peace court in St. Tammany Parish may issue a summons or serve a subpoena anywhere within St. Tammany Parish for a property standards or nuisance violation adopted pursuant to local ordinance.

(b) A justice of the peace court in St. Tammany Parish shall have concurrent jurisdiction over a property standards or nuisance violation adopted pursuant to local ordinance, except as provided in Subparagraph (c) of this Paragraph.

(c) In Ward 8, a property standards or nuisance violation adopted pursuant to local ordinance shall be prosecuted in City Court of Slidell or Ward 8 Justice of the Peace Court. In Ward 9, a property standards or nuisance violation adopted pursuant to local ordinance shall be prosecuted in City Court of Slidell.

§2587.3 Prosecution of property standards and nuisance violations in justice of the peace courts

When a justice of the peace court in St. Tammany Parish has concurrent jurisdiction over a property standards or nuisance violation adopted pursuant to local ordinance, the constable of that court may act as prosecutor if authorized by the court, or the deputy constable if authorized may act as prosecutor if the constable was the arresting officer, issued the citations of summons, or is a witness. If there is no deputy constable, then the justice of the peace may appoint a special deputy constable to prosecute the case or may authorize a constable from another ward in the parish to prosecute the matter.

§2589. Compensation of justices of the peace and constables in criminal matters

D. In St. Tammany Parish, in addition to the reimbursement provided in Subsection B of this Section, the justice of the peace courts and ward constable offices shall also be reimbursed for handling property standards and nuisance violations as defined per local ordinance.

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, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 29

SENATE BILL NO. 77
BY SENATORS TARVER AND MARTINY
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT

To amend and reenact 13:2562.22, relative to judicial expense funds; to provide relative to the judicial expense funds for the First and Second Parish Courts of Jefferson Parish; to provide relative to administration, procedures, and disbursements of funds; to provide relative to audits of the judicial expense fund; to provide relative to salaries paid out of the judicial expense fund; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2562.22 is hereby amended and reenacted to read as follows:
§2562.22. Judicial expense fund; traffic case management and accident reporting system

A. In all criminal cases over which the First and Second Parish Courts of Jefferson Parish have jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after plea of guilty or who forfeits his bond, a sum likewise determined but which shall not exceed fifteen dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed, and which shall be transmitted to the said clerk for further disposition in accordance herewith.

B. All sums collected or received under this Section shall be placed in a separate account, to be respectively in one of two separate accounts designated as the Judicial Expense Fund for the First Parish Court of Jefferson Parish and the Judicial Expense Fund for the Second Parish Courts Court of Jefferson Parish. All sums shall be placed in the judicial expense fund associated with the court in which the case was pending or adjudicated according to each court's jurisdiction. The judges, en banc, of the courts each separate parish court shall have control over the ~~fund~~ funds associated with their jurisdiction and all disbursements made therefrom. ~~They~~ The judges shall cause to be conducted annually an audit of the ~~fund~~ funds and the books and accounts relating thereto, and shall file the same with the office of the legislative auditor where ~~it~~ the audits shall be available for public inspection.

C. The judges, en banc, of each separate parish court shall determine how the judicial expense funds are administered and maintained within their jurisdiction, and where the judicial expense funds are kept including but not limited to authorizing by cooperative endeavor agreement or otherwise the Finance Department of the Parish of Jefferson to administer and maintain the judicial expense funds in an account with other parish funds. No firm, corporation, association, political subdivision and officers, or other entity, public or private, is authorized to access, disburse, invest the monies in either fund, or to use the monies in either fund as security, unless expressly authorized by the judges, acting en banc, of each separate parish court.

D. The judges, en banc, of the First and Second Parish Courts of Jefferson Parish each separate parish court may, in addition to salaries otherwise provided, authorized, or established by law, fix and pay each of their court reporters a salary from the judicial expense ~~fund~~ funds. The judges, en banc, of each separate parish court may appoint such secretarial, clerical, research, administrative, or other personnel as they deem necessary to expedite the business and functions of the ~~court~~ courts, and fix and pay all or any part of the salaries of such personnel out of the monies in the judicial expense ~~fund~~ funds. In like manner, the judges, en banc, of each separate parish court may utilize the monies in the judicial expense ~~fund~~ funds within their respective jurisdiction to pay all or any part of the cost of establishing and/or maintaining a law library for the court, or implementing and operating a traffic case management and accident reporting system, or for buying and/or maintaining any type of equipment, supplies, or other items consistent with or germane to the efficient operation of the court. In general, the judicial expense ~~fund~~ is funds are established and may be used for any purpose or purposes connected with, incidental to, or related to the proper administration or function of the ~~said~~ each court or the offices of the individual judges; and, is in addition to any and all other funds, salaries, expenses, and other monies that are now or hereafter provided, authorized, or established by law for any of the aforesaid purposes.

~~D-E.~~ No salary shall be paid from the judicial expense ~~fund~~ funds for the parish courts to any of the judges of the courts except as may be paid for administering the said ~~fund~~ funds, and then only after prior legislative approval.

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, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 30

HOUSE BILL NO. 3
Omnibus Bond

will publish in a later edition.

ACT No. 31

SENATE BILL NO. 184

BY SENATORS MILKOVICH, CHABERT, ERDEY, FANNIN, GATTI, HENSGENS, HEWITT, JOHNS, LONG, MARTINY, MIZELL, RISER, JOHN SMITH, THOMPSON, WALSWORTH AND WHITE AND REPRESENTATIVES ABRAHAM, AMEDEE, ANDERS, ARMES, BACALA, BAGLEY, BARRAS, BERTHELOT, BILLIOT, CARMODY, CHANEY, CONNICK, CREWS, DEVILLIER, EDMONDS, EMERSON, GAROFALO, GISCLAIR, GUINN, LANCE HARRIS, HILL, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, MIKE JOHNSON, NANCY LANDRY, LEBAS, MCFARLAND, MCMAHEN, MIGUEZ, MOORE, JAY MORRIS, JIM MORRIS, POPE, PUGH, PYLANT, RICHARD, SEABAUGH, STEFANSKI, TALBOT, WRIGHT AND ZERINGUE

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

AN ACT

To enact R.S. 40:1061.1.3, relative to abortion; to prohibit the abortion of an unborn human being with a detectable heartbeat; to provide definitions; to provide penalties; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.1.3 is hereby enacted to read as follows:

§1061.1.3. Abortion prohibited; detectable fetal heartbeat; ultrasound required

A.(1)(a) Prior to any abortion being performed, there shall first be performed an ultrasound, in accordance with the standards set forth in R.S. 40:1061.10(D), in order to determine whether or not a fetal heartbeat is present, and the results of the ultrasound shall be included in the pregnant woman's medical records.

(b) Except as provided in Paragraph (2), (3), or (4) of this Subsection, it shall be unlawful for any person to knowingly perform an abortion with the specific intent of causing or abetting the termination of the life of an unborn human being when a fetal heartbeat has been detected. Any person who acts based on the exceptions provided in Paragraph (2), (3), or (4) of this Subsection shall so note in the pregnant woman's medical records and shall specify in the pregnant woman's medical records which of the exceptions the person performing the abortion has invoked.

(2)(a) A person shall not be in violation of Paragraph (1) of this Subsection if the person performs a medical procedure designed to or intended, in that person's reasonable medical judgment, to prevent the death of a pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b)(i) A person who performs a medical procedure as described in Subparagraph (a) of this Paragraph shall declare in writing, under penalty of perjury, that the medical procedure was necessary, to the best of that person's reasonable medical judgment, to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. The person shall also provide in that written statement the specific medical condition of the pregnant woman that the medical procedure was performed to address, and the medical rationale for the conclusion that the medical procedure was necessary to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.

(ii) The person who performs a medical procedure as described in Subparagraph (a) of this Paragraph shall place the written documentation required by this Subparagraph in the pregnant woman's medical records, and shall maintain a copy of the written documentation for not less than seven years.

(3) A person shall not be in violation of Paragraph (1) of this Subsection if the person has performed an examination for the presence of a fetal heartbeat in the unborn human individual using standard medical practice and that examination does not reveal a fetal heartbeat, or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat.

(4) For purposes of this Section, "abortion" shall not include an abortion performed when the pregnancy is diagnosed as medically futile.

B. For purposes of this Section:

(1) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

(2) "Physician" means an individual licensed by the Louisiana State Board of Medical Examiners.

(3) "Unborn human being" means an individual living member of the species Homo sapiens throughout the entire embryonic and fetal stages, from fertilization through full gestation and birth.

(4) "Medically futile" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. This diagnosis shall be a medical judgment certified in the pregnant woman's medical record by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

C. Whoever violates this Section shall be prosecuted pursuant to the effective provisions of R.S. 14:87 and shall be subject to the penalties provided in R.S. 40:1061.29.

D. In addition to any other grounds provided by law, it shall be grounds for the nonissuance, suspension, revocation, or restriction of a license, or the denial of reinstatement or renewal of a license, issued by the Louisiana State Board of Medical Examiners, that the applicant or licensee has performed an abortion in violation of this Section.

E. This Section shall not be construed to repeal any other provision of law that restricts or regulates the performance of an abortion by a particular method or during a particular stage of a pregnancy.

F. The provisions of this Section are hereby repealed in favor of the provisions of R.S. 40:1061 immediately upon and to the extent that either:

(1) A decision of the United States Supreme Court upholds the authority of each of the several states of the United States or of the state of Louisiana to prohibit elective abortions.

(2) An amendment to the Constitution of the United States of America is adopted that restores to each of the several states of the United States or to the state of Louisiana the authority to prohibit elective abortions.

Section 2. This Act shall become effective upon a final decision of the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as Senate Bill 2116 of the 2019 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion as provided in this Act.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 32

HOUSE BILL NO. 49
BY REPRESENTATIVE WHITE
AN ACT

To authorize the secretary of the Department of Public Safety and Corrections to designate and name the education building at the B.B. "Sixty" Rayburn Correctional Center in Angie, Louisiana, as the Deborah "Andi" Cook Memorial Education Building; to provide for 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 Public Safety and Corrections may designate and name the education building at the B.B. "Sixty" Rayburn Correctional Center in Angie, Louisiana, as the "Deborah "Andi" Cook Memorial Education Building" in honor of former education coordinator Deborah "Andi" Cook.

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, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 33

HOUSE BILL NO. 112
BY REPRESENTATIVE STEFANSKI AND SENATORS BARROW,
ERDEY, HENSGENS, AND MILLS
AN ACT

To amend and reenact R.S. 46:51.2(C), relative to placement of children with foster or adoptive parents or relative guardians; to prohibit the placement of a child with a prospective foster or adoptive parent or relative guardian in certain cases and to prohibit persons from receiving kinship guardian assistance payments in those cases; to provide for determinations relative to the criminal history of a prospective foster or adoptive parent or relative guardian; to provide for the set of criminal convictions which disqualify a person from becoming a foster or adoptive parent or relative guardian of a child; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:51.2(C) is hereby amended and reenacted to read as follows:
§51.2. Criminal history and central registry information

~~C.(1) No child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that no adult living in such home has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). No prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, does not have any of the following:~~

~~(a) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.~~

~~(b) A felony conviction for physical assault, battery, or a drug-related offense which occurred within the past five years.~~

~~(c) A felony conviction for a crime listed in R.S. 15:587.1(C), other than a crime listed in Subparagraph (a) or (b) of this Paragraph, unless an assessment of the circumstances of the crime and of the current situation of the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, has been conducted by the department and it has been determined that the child would not be at risk if placed in the home.~~

~~(2) No child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony listed in R.S. 40:966(C) and (E), 967(C), 968(C), 969(C), or 970(C) unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.~~

~~(3) No child shall be placed by the department into a home where the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony listed in Paragraph (2) of this Subsection until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by the department~~

~~for the duration of the placement. Any required drug tests shall be at the expense of the individual.~~

~~(4) Nothing in this Subsection shall be construed to prohibit or prevent the department or its employees from considering any prior convictions of the prospective foster or adoptive parent, relative guardian, or any other adult living in the household in determining whether to place a child in a foster home for temporary care or for adoption. For the purposes of this Paragraph, "any other adult living in the household" does not include a youth participating in the Extended Foster Care Program.~~

* * *

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 34

HOUSE BILL NO. 145
BY REPRESENTATIVE COUSSAN
AN ACT

To amend and reenact R.S. 6:333(F)(11), relative to the disclosures by a bank or any affiliate; to provide for financial records obtained pursuant to search warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:333(F)(11) is hereby amended and reenacted to read as follows:

§333. Disclosure of financial records; reimbursement of costs

* * *

F. The following disclosures by a bank or any affiliate are hereby specifically authorized and, except as otherwise provided in this Subsection, nothing in this Section shall prohibit, restrict, or otherwise apply to:

* * *

(1) The disclosure by a bank or any affiliate of financial records in situations governed by, pursuant to, and in accordance with the provisions of 12 U.S.C. 3401 et seq., or 15 U.S.C. 6801 et seq., or pursuant to a search warrant issued in accordance with Title IV of the Code of Criminal Procedure.

* * *

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 35

HOUSE BILL NO. 197
BY REPRESENTATIVE FOIL
AN ACT

To enact R.S. 13:5109.1, relative to the settlement of certain claims; to provide relative to claims based upon allegations of sexual harassment or sexual assault; to provide for prohibitions of the use of certain terms of settlement agreements; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5109.1 is hereby enacted to read as follows:

§5109.1. Settlement of claims; prohibited terms

A. No settlement agreement of a claim against the state, a state agency, a political subdivision, or any employee or officer of the state, a state agency, or a political subdivision shall contain a provision prohibiting the disclosure by the claimant of the terms of or the facts associated with the underlying claim of the settlement agreement when the underlying claim is based on an allegation of sexual harassment or sexual assault of the claimant and public funds are paid, in whole or in part, as satisfaction of the terms of the settlement agreement.

B.(1) "Sexual assault" means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24) or obscenity as provided by R.S. 14:106.

(2) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 36

HOUSE BILL NO. 249
BY REPRESENTATIVE CONNICK
AN ACT

To enact R.S. 9:2795.7, relative to limitations of liability; to provide a limitation

of liability to participants in certain community service programs; to provide for the establishment of community service litter abatement, beautification, and maintenance programs; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2795.7 is hereby enacted to read as follows:

§2795.7. Community service litter abatement, beautification, and maintenance program; establishment; limitation of liability

A.(1) A “community service litter abatement, beautification, and maintenance program” means a program that has been approved by the governing authority of a parish or municipality and which provides for the collection and removal of litter from public highways, rights-of-way, parks, roads, beaches, recreational areas, and other public areas within the governing authority’s jurisdiction, and for beautification and maintenance projects within such jurisdiction.

(2) “Beautification and maintenance projects” means projects which provide for grounds keeping, grass cutting, painting, repairs, and improvements which increase the aesthetics of public areas.

(3) A community service litter abatement, beautification, and maintenance program may be established by ordinance of the governing authority of any parish or municipality which shall establish rules and regulations deemed necessary for the facilitation of persons volunteering to participate in the program. The rules and regulations may include any of the following:

(a) The requirement to wear certain clothing identifying the volunteers as participants in the program.

(b) The authorization to provide clothing, uniforms, supplies, or equipment to the volunteers necessary for the collection and removal of litter, and for beautification and maintenance projects.

(c) The advertisement of the program to the general public.

B.(1) A person who volunteers to participate in the program established pursuant to this Section shall not be deemed to be an employee of the program or of the parish or municipality establishing the program, regardless of whether any of the following occur:

(a) The program supplies the volunteer with clothing, a uniform, supplies, or equipment worn or used in the collection or removal of litter.

(b) The program assigns or specifies the work to be performed.

(c) The program provides oversight of the work performed by the volunteers.

(d) The volunteer receives donations from the general public for his collection and removal of litter, and for beautification and maintenance projects.

(2) A person who participates in a program established pursuant to this Section shall have no cause of action for damages against the governing authority conducting the program or supervising the participants, nor against any employee or agent of the governing authority, for any injury or loss suffered by a participant during or arising out of his participation in the program, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the governing authority or its employee or agent. The governing authority shall not be liable for any injury caused by an individual participating in the program unless the gross negligence or intentional act of the governing authority or its employee or agent was a substantial factor in causing the injury.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 37

HOUSE BILL NO. 340
BY REPRESENTATIVE HOLLIS
AN ACT

To amend and reenact R.S. 37:3410(A) and to enact R.S. 37:3392(14), relative to real estate appraisers; to provide definitions regarding financial regulations; to provide for standards for the development and communication of real estate appraisers; to provide for an appraisal of real property for a federally insured depository institution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3410(A) is hereby amended and reenacted and R.S. 37:3392(14) is hereby enacted to read as follows:

§3392. Definitions

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

(14) “Federal financial institutions regulatory agency” means:

(a) The Board of Governors of the Federal Reserve System.

(b) The Federal Deposit Insurance Corporation.

(c) The Office of the Comptroller of the Currency.

(d) The National Credit Union Administration.

§3410. Standards for the development and communication of real estate appraisals

A.(1) A licensed real estate appraiser shall comply with generally accepted standards of professional practice in the development and communication of appraisals of real estate located in this state and with generally accepted ethical rules of conduct as contained in the “Uniform Standards of Professional

Appraisal Practice”, or its successor, as approved by the Appraisal Standards Board of the Appraisal Foundation or its successor.

(2) Nothing in this Chapter shall prohibit a licensed real estate appraiser from performing an evaluation of real property for a federally insured depository institution if the evaluation is permitted by either federal law, regulation, or the guidelines for evaluations established by the federal financial institutions regulatory agency of the depository institution.

Approved by the Governor, May 30, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 38

SENATE BILL NO. 2

BY SENATOR MIZELL AND REPRESENTATIVES ADAMS, TERRY BROWN, CARPENTER, STEVE CARTER, GISCLAIR, GUINN, HOWARD, LARVADAIN AND WHITE

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

AN ACT

To provide relative to state highways; to designate a portion of Louisiana Highway 25 in Washington Parish as the “Jerry Joe Rayborn Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other law to the contrary, the portion of Louisiana Highway 25 from the town limits of Franklinton to the Mississippi state line in Washington Parish is hereby designated as the “Jerry Joe Rayborn Memorial Highway”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation provided local or private monies are received by the department equal to the department’s actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 39

SENATE BILL NO. 8

BY SENATORS RISER, CORTEZ, ERDEY, FANNIN, HEWITT, LONG, PRICE AND GARY SMITH AND REPRESENTATIVE TERRY BROWN

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

AN ACT

To provide relative to state highways; to designate Louisiana Highway 124 in Catahoula Parish as the “Lt. Col. R.V. McHale Memorial Highway”; to designate a portion of Louisiana Highway 167 in Grant Parish as the “Preston Hall Mosley Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other law to the contrary, Louisiana Highway 124 in Catahoula Parish is hereby designated as the “Lt. Col. R.V. McHale Memorial Highway”.

Section 2. The portion of United States Highway 167 from the Winn Parish line to the village limits of Dry Prong in Grant Parish shall be hereafter known and designated as the “Preston Hall Mosley Memorial Highway”.

Section 3. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation provided local or private monies are received by the department equal to the department’s actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

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 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 40

HOUSE BILL NO. 109
Ancillary
will publish in a later edition.

ACT No. 41

SENATE BILL NO. 13
BY SENATORS JOHNS, CORTEZ, LONG, MILKOVICH, MIZELL, PEACOCK,
PRICE AND WALSWORTH AND REPRESENTATIVES ABRAHAM,
ARMES, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT,
BOURRIAQUE, TERRY BROWN, CARMODY, COX, DEVILLIER,
DUBUISSON, EDMONDS, EMERSON, FALCONER, GUINN, LANCE
HARRIS, HENRY, HOFFMANN, IVEY, JENKINS, JONES, JORDAN,
LACOMBE, TERRY LANDRY, LARVADAIN, LYONS, MCMAHEN, MOORE,
MOSS, PEARSON, PIERRE, PYLANT, SCHEXNAYDER, STAGNI,
STEFANSKI, STOKES, TALBOT, THOMAS, TURNER AND WRIGHT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the
Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 11:1316(C), relative to surviving spouse benefits at the State Police Retirement System; to provide for reinstatement of benefits under certain circumstances; 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. 11:1316(C) is hereby amended and reenacted to read as follows:

§1316. Death in the line of duty; death by an intentional act of violence; certain members hired on or before December 31, 2010; benefit for surviving spouse of deceased employee; minor children with no surviving spouse

* * *

C.(1) Notwithstanding the forfeiture provisions of R.S. 11:1321, the benefit of a surviving spouse covered by Subsection B of this Section shall be paid until the death of the surviving spouse.

(2) A surviving spouse who, on or before June 11, 1999, was subject to the forfeiture provisions of R.S. 11:1321 or R.S. 40:1435 as it existed when it was redesignated as R.S. 11:1321, shall resume drawing the benefit upon the dissolution of the marriage by death of or divorce from the new spouse. The benefit payable pursuant to this Paragraph shall be paid prospectively only.

* * *

Section 2. The provisions of this Act shall be known and may be cited as the "Trooper William Michael Kees Act".

Section 3. This Act shall become effective on July 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 42

SENATE BILL NO. 15
BY SENATORS LONG, ALARIO, APPEL, BARROW, BOUDREAU,
CARTER, CHABERT, COLOMB, CORTEZ, ERDEY, FANNIN, GATTI,
HENSGENS, HEWITT, LUNEAU, MARTINY, MILKOVICH, MILLS,
MORRISH, PEACOCK, PETERSON, PRICE, RISER, GARY SMITH, JOHN
SMITH, TARVER, THOMPSON, WALSWORTH AND WHITE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the
Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 11:612(2)(m), relative to qualifications for membership in the hazardous duty service plan at the Louisiana State Employees' Retirement System; 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. 11:612(2)(m) is hereby amended and reenacted to read as follows:

§612. Application; definitions

Terms not specifically defined in this Section but defined in R.S. 11:403 shall have the meanings provided in R.S. 11:403 unless a different meaning is clearly required by the context. For purposes of this Subpart:

* * *

(2) "Member" or "members" shall include the following persons whose first employment making them eligible for membership in one of the state systems occurred on or after January 1, 2011:

* * *

(m) Employees of the Department of Agriculture and Forestry who respond to wildfires and who qualify as Firefighter Type 2 or higher according to the National Wildfire Coordinating Group **are trained as wildland firefighters, as provided in R.S. 3:4276(9).**

Section 2. This Act shall become effective on June 30, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 43

SENATE BILL NO. 32
BY SENATOR FANNIN
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the
Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2, and to enact R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G), relative to criminal background checks for certified nurse aide trainees; to provide for definitions; to provide for applicability to training programs; to provide authorization for conducting a criminal background check; to provide for search of the national sex offender public registry; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2 are hereby amended and reenacted and R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G) are hereby enacted to read as follows:

§1203.1. Definitions

For the purposes of this Part:

* * *

(5) "Nonlicensed person" means any person who provides for compensation nursing care or other health-related services directly related to patient care to residents in or patients of a nursing facility, intermediate care facility for people with developmental disabilities, adult residential care facility or provider, pediatric day health care facility, adult day health care center, psychiatric residential treatment facility, end stage renal disease facility, behavioral health services provider, home health agency, hospice agency, provider of ambulance services, hospital, adult brain injury facility, crisis receiving center, pain management clinic, outpatient abortion facility, rural health clinic, ambulatory surgical center, therapeutic group home, forensic supervised transitional residential and aftercare facility, case management provider, or home- and community-based service provider and who is not a licensed health provider. "Nonlicensed person" also means any person who provides such services to individuals in their own homes as an employee or contract provider of a home health agency, hospice, or home- and community-based service provider. "Nonlicensed person" also means any other direct service worker as defined in R.S. 40:2179 and 2179.1. **"Nonlicensed person" also means a student or trainee applying for enrollment in a clinical preceptor training program authorized by R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the department pursuant to federal and state law or regulation.**

* * *

(7) "Training program" means a department approved clinical preceptor nurse aide training program.

(8) "Educational institution" means a community college, vocational-technical program, or other educational entity offering a clinical preceptor nurse aide training program developed by the Louisiana Community and Technical College System pursuant to R.S. 40:1201.1 et seq.

§1203.2. Employment of nonlicensed persons and licensed ambulance personnel; **training program enrollment of nonlicensed persons**; mandatory criminal history and security checks; temporary employment; notice to applicants

* * *

G.(1) Prior to any educational institution or approved training program accepting an applicant for the clinical preceptor nurse aide training program, a statewide criminal history background check, which includes a check of the national sex offender public registry, shall be conducted. The educational institution or approved training program shall request in writing that the office or authorized agency conduct a criminal history and security check on the applicant and shall provide the office or authorized agency with any relevant information required by the office or authorized agency to conduct the check. The educational institution or approved training program may request the criminal history and security check be performed using the fingerprints of the applicant.

(2) An educational institution, approved training program, or authorized agency shall pay the fee the office is authorized by law to charge for a search of the office's criminal history files on an applicant for the clinical preceptor nurse aide training program.

(3) The security check shall consist of the use of personal identifiers, such as name, social security number, date of birth, and driver's license number, to search the national sex offender public registry. An authorized agency shall notify the office if a security check reveals that an applicant is listed in the national sex offender public registry.

Approved by the Governor, June 1, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 44

SENATE BILL NO. 43

BY SENATORS APPEL, MILKOVICH, MIZELL, MORRISH, WALSWORTH
AND WHITE AND REPRESENTATIVES AMEDEE, BOUIE, GARY
CARTER, STEVE CARTER, EDMONDS, LEGER, SIMON, SMITH AND
THOMAS

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

AN ACT

To amend and reenact R.S. 17:416.16(B), relative to school crisis management
and response plans; to provide for student input in the annual review of such
plans for high schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.16(B) is hereby amended and reenacted to read as
follows:

§416.16. School crisis management and response plans

* * *

B.(1) Each public school principal, jointly with local law enforcement, fire,
public safety, and emergency preparedness officials, shall review the plan at
least once annually and shall revise the plan as necessary. In reviewing and
revising the plan, the principal and such officials shall consider and include
input, if appropriate, from students enrolled in the school and their parents,
teachers at the school, other school employees, and community leaders. Each
principal shall submit such plan in writing to the local school superintendent
for approval at least once annually, including upon each revision.

**(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, when
conducting the annual review of the crisis management and response plan
for a high school, the school principal shall seek and consider input from the
students enrolled in the school who shall be represented by either the president
of the senior class or the president of the student council and at least one other
responsible student selected by the principal.**

**(3) The superintendent shall make an annual report to the public school
governing authority on the status of the plan of each school under the governing
authority's jurisdiction.**

* * *

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 1, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 45

SENATE BILL NO. 51
BY SENATOR HEWITT

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

AN ACT

To amend and reenact R.S. 37:1025(A), relative to the qualifications for
certified medication attendants; to provide for the clarification of citizenship
requirements; to provide for the repeal of residency requirements; to
provide for minimum qualifications; to make technical corrections; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1025(A) is hereby amended and reenacted to read as
follows:

§1025. Qualifications of applicants to the drug administration course

A. Each person accepted to participate in the drug administration course
shall be a citizen of the United States and a resident of this state and in
addition:

**(1) A citizen of the United States, a United States national, or an alien lawfully
admitted for permanent residency in the United States.**

~~(2) Must be employed~~ **Employed** in a facility operated by the office for
citizens with developmental disabilities, in a community home for persons
with developmental disabilities funded through the Louisiana Department
of Health or the Department of Children and Family Services, or in an

intermediate care facility for people with developmental disabilities, or be a
person who provides in-home Medicaid home- and community-based services.

~~(2)(3) Must be at~~ **At** least eighteen years of age.

~~(3)(4) Must be able~~ **Able** to read, write, and comprehend the English language.

~~(4)(5) Must be free~~ **Free** of communicable diseases and in suitable physical
and emotional health to administer medications safely.

~~(5)(6) Must have no~~ **Without** a known record or history of drug abuse or record
of conviction of a felony.

* * *

Approved by the Governor, June 1, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 46

SENATE BILL NO. 57

BY SENATOR WALSWORTH

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

AN ACT

To amend and reenact R.S. 44:415, relative to the records management
program at the division of archives, records management, and history within
the Department of State; to provide for the centralized document conversion
center for the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:415 is hereby amended and reenacted to read as follows:

§415. Centralized ~~microfilm service~~ **imaging and preservation services**

The ~~microfilm~~ **imaging and preservation services** section of the records
management program of the division shall be the centralized ~~microfilm~~
document conversion center for the state. All state agencies lacking existing
internally established ~~microfilming~~ **paper conversion** systems of their own,
and those state agencies whose equipment or facilities are no longer adequate
to meet the agency's need, shall contract with the division for ~~microfilming~~
conversion services or shall obtain division approval for ~~any such a conversion~~
contract with any other vendor or purchase of any other conversion system.
All ~~microfilming~~ **records** produced by state agency ~~microfilming~~ **conversion**
systems shall comply with standards established by the division in accordance
with R.S. 44:405(A)(3). This provision shall not be applicable to any state agency
where it can be demonstrated to be more economically feasible to continue
the microfilming within the agency.

Approved by the Governor, June 1, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 47

SENATE BILL NO. 64

BY SENATOR JOHN SMITH

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

AN ACT

To enact R.S. 22:2462(E), relative to electronic delivery of insurance documents
and notices; to authorize an employer that provides group health insurance
to its employees to consent on behalf of its employees for use of electronic
documents provided certain requirements are met; and to provide for
related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2462(E) is hereby enacted to read as follows:

§2462. Electronic delivery of insurance documents and notices

* * *

**E.(1) For purposes of this Section, an employer policyholder of a group health
plan may consent to electronic delivery on behalf of its covered employees.**

**(2) For such consent to be effective for a particular employee, the covered
employee must be able to effectively access documents delivered by electronic
means at any location that the employee is reasonably expected to perform his
job duties and such access must be an integral part of those duties.**

(3) The covered employee shall also be notified of all of the following:

(a) The right to withdraw such consent at any time.

(b) The process for withdrawing such consent.

**(c) The right to request and the process for requesting any such document in
paper form.**

Approved by the Governor, June 1, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 48

SENATE BILL NO. 65

BY SENATOR LAMBERT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the
Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 56:332(K), relative to crab traps; to provide for the size and location of escape rings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:332(K) is hereby amended and reenacted to read as follows:
§332. Crabs; release of crabs in berry stage; method of taking crabs; time limitations; by-catch; penalties; abandoned crab trap removal program, escape rings

* * *

K. Except as otherwise provided in this Subsection, each crab trap shall have a minimum of three escape rings. All escape rings shall be placed on the vertical, outside walls flush with the trap floor or baffle, with at least two rings located in the upper chamber of the trap. **A minimum of two escape rings shall be located in the upper chamber flush with the baffle. A minimum of one escape ring shall be located in the lower chamber no greater than one mesh length from the trap floor. Beginning on July 1, 2022, all escape rings shall be located no greater than one mesh length from the corners.** The minimum sizes of the rings shall be two and three-eighths inches in inside diameter, not including the ring material. The rings shall be rigid and attached to the trap with material of **an equal or** smaller diameter than the wire strands of the trap. Except from April first through June thirtieth and from September first through October thirty-first, escape ring openings shall not be obstructed with any material that prevents or hampers exit of crabs. However, the provisions of this Subsection shall not apply to any crab trap constructed of wire mesh two and five-sixteenths inches square or greater.

* * *

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 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 49

SENATE BILL NO. 73
BY SENATOR LONG

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

AN ACT

To amend and reenact R.S. 22:1157(A) and to enact R.S. 22:1157(D), relative to dental reimbursement or payments; to provide with respect to credit card payments; to provide with respect to the restriction of methods of payment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1157(A) is hereby amended and reenacted and R.S. 22:1157(D) is hereby enacted to read as follows:

§1157. Dental reimbursement or payments

A. As used in this Section, the following definitions shall apply:

(1) "Covered person" means any subscriber, enrollee, member, or participant in a dental plan, or his dependent, for whom benefits are payable when that person receives dental health care services rendered or authorized by a licensed dentist.

(2) "Covered service" means any dental service rendered or authorized by a licensed dentist on a covered person for which a dental service contractor or insurer is required to pay benefits to the dentist under a contractual agreement with such dentist. Such a service includes any service on which reimbursement is limited by a deductible, copayment, coinsurance, waiting period, annual maximum, or frequency limitation.

(3) "**Credit card payment**" means a type of electronic funds transfer in which a dental plan or its contracted vendor issues a single-use series of numbers associated with the payment of healthcare services performed by a dentist chargeable for a predetermined dollar amount, requiring the dentist to be responsible for processing the payment by a credit card terminal or internet portal. "**Credit card payment**" includes a virtual or online credit card payment, in which no physical credit card is presented to the healthcare provider and the single-use credit card expires upon payment processing.

(4) "Dental plan" means any insurance policy, benefit plan, or dental service contract providing for the payment of benefits for dental health care services.

(5) "**Electronic funds transfer**" means an electronic funds transfer through the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, standard automated clearinghouse network.

* * *

D.(1) No dental plan that is delivered, renewed, issued for delivery, or otherwise contracted for in this state shall restrict methods of payment from the dental plan to the dentist for the purpose of making a credit card payment the only

means of payment acceptable for healthcare services provided by the dentist to an insured.

(2) If initiating or changing payments to a dentist using electronic funds transfers or credit card payments, a dental plan shall do both of the following:

(a) Notify the dentist if any fees are associated with a particular payment method.

(b) Advise the dentist of all the available methods of payment and provide clear instructions to the dentist on how to select an alternative payment method.

(3) The provisions of this Subsection shall not be waived by contract, and any contractual clause in conflict with the provisions of this Subsection or that purports to waive any requirements of this Subsection is void.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 50

HOUSE BILL NO. 392
Supplemental
will publish in a later edition.

ACT No. 51

SENATE BILL NO. 76

BY SENATORS TARVER, ALARIO, ALLAIN, BARROW, BISHOP,
BOUDREAUX, CARTER, COLOMB, CORTEZ, GATTI, JOHNS, MARTINY,
GARY SMITH, THOMPSON AND WARD AND REPRESENTATIVES
ADAMS, BRASS, TERRY BROWN, CARPENTER, GISCLAIR, TERRY
LANDRY, LARVADAIN, PIERRE, POPE AND WHITE

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

AN ACT

To amend and reenact R.S. 32:295(A), relative to child passenger restraint systems; to increase the age a child shall be restrained in a rear-facing child safety seat; to increase the age a child shall be restrained in a forward-facing child safety seat; to increase the age a child shall be restrained in a child booster seat; to increase the age a child shall be restrained in an adult safety belt; to require that a child under a certain age is restrained in the rear seat of a motor vehicle; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295(A) is hereby amended and reenacted to read as follows:
§295. Child passenger restraint system

A. Except as provided in Subsections C, D, and E of this Section, every driver in this state who transports a child or children under the age of ~~thirteen~~ **eighteen** years in a motor vehicle ~~which is that is in motion and is required by federal safety standards to be~~ equipped with safety belts **a safety belt system or lower anchors and tethers for children in a passenger seating position**, shall have the child properly secured **restrained according to the vehicle and child safety seat manufacturer's instructions**, as follows:

(1) A child younger than six years of age or weighing sixty pounds or less shall be restrained in a child restraint system as provided for in this Subsection that complies with standards of the United States Department of Transportation and is secured in the vehicle in accordance with the instructions of the manufacturer of the child restraint system and the passenger seating position is equipped with a safety belt system that allows sufficient space for installation. The child restraint system required for a child younger than six years of age or weighing sixty pounds or less is, in descending order of protectiveness, as follows:

(a) A child who is younger than one year of age or weighs less than twenty pounds **the age of two years** shall be restrained in a rear-facing child safety seat **restraint system that complies with all applicable federal regulations until the child reaches the weight or height limit of the child restraint system as set by the manufacturer.**

(b)(2) A child who is at least one year of age but younger than four years of age or who weighs at least twenty pounds but less than forty pounds **two years of age or older and has reached the rear-facing weight or height limits of the child restraint system as set by the manufacturer**, shall be restrained in a forward-facing child safety seat **restraint system with an internal harness until the child reaches the weight or height limit of the child restraint system set by the manufacturer.**

(c)(3) A child who is at least four years of age ~~but younger than six years of age or~~ who weighs at least forty pounds but not more than sixty pounds **and has outgrown the forward-facing weight or height limits of the child restraint system as set by the manufacturer** shall be restrained in a **belt-positioning** child booster seat, **secured with a vehicle lap-shoulder seat belt, according to the manufacturer's instructions.** The requirements of this Subparagraph shall not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(2)(4) A child who is at least six ~~nine~~ years of age or weighs ~~more than sixty~~

~~pounds has outgrown the height or weight limits of a child restraint system or belt-positioning child booster seat as set by the manufacturer shall be restrained with the motor vehicle's adult safety belt adjusted and fastened around the child's body or in an appropriately fitting child booster seat in accordance with the instructions of the manufacturer of the safety belt or child booster seat: to fit correctly. The adult safety belt fits correctly when the child sits all the way back against the vehicle seat, the child's knees bend over the edge of the vehicle seat, the belt fits snugly across the child's thighs and lower hips, and not the child's abdomen, and when the shoulder strap snugly crosses the center of the child's chest and not the child's neck.~~

~~(5) A child who is younger than thirteen years of age shall be transported in the rear seat of a motor vehicle, when available, in a properly used child restraint system, belt-positioning child booster seat, or adult safety belt that complies with all applicable federal regulations.~~

~~(6) A child who because of age or weight can be placed in more than one category shall be placed in the more protective category.~~

* * *

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 52

SENATE BILL NO. 99

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. 37:1174(A)(4), relative to Board of Pharmacy member qualifications; to provide for minimum qualifications for pharmacist members of the board; to provide for required experience in this state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1174(A)(4) is hereby amended and reenacted to read as follows:

§1174. Qualifications

A. Each pharmacist member of the board shall at the time of appointment:

* * *

(4) Have ~~five~~ two years of experience in the practice of pharmacy in this state after licensure.

* * *

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 53

SENATE BILL NO. 100

BY SENATORS ALLAIN AND PEACOCK

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

AN ACT

To amend and reenact R.S. 56:116.1(B)(3) and to enact R.S. 56:116.1(D)(3) and (4), relative to times and methods of taking of outlaw quadrupeds: to allow taking of outlaw quadrupeds with a shotgun capable of holding more than three shells under certain circumstances; to allow taking of outlaw quadrupeds while riding or standing in or upon a moving land vehicle under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:116.1(B)(3) is hereby amended and reenacted and R.S. 56:116.1(D)(3) and (4) are hereby enacted to read as follows:

§116.1. Wild birds and wild quadrupeds; times and methods of taking; penalties

* * *

B. No person shall do any of the following:

* * *

(3)(a) Take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight or except as provided in Paragraph (A)(8) or (D)(2) of this Section, any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or any device specifically designed to enhance vision at night; or,

(b) Except as provided for in Paragraph (D)(3) of this Section, take or kill any game bird or wild quadruped with or by means of an automatic loading or hand operated repeating shotgun capable of holding more than three shells. Any shotgun capable of holding more than three shells shall be plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one loading.

* * *

D.

* * *

(3) On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition.

(4) Notwithstanding Paragraph (B)(1) of this Section, on private property, outlaw quadrupeds may be taken while riding or standing in or upon a moving land vehicle.

* * *

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 54

SENATE BILL NO. 108

BY SENATORS GARY SMITH, BISHOP, CARTER, MARTINY, MORRELL
AND PRICE AND REPRESENTATIVES GAINES, JACKSON, LEOPOLD,
LYONS, MARCELLE AND STEFANSKI

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

AN ACT

To amend and reenact R.S. 22:1443, relative to the premium on criminal bail bonds; to provide relative to additional collections in certain parishes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1443 is hereby amended and reenacted to read as follows:
§1443. Premium on criminal bail bond

A. The premium rate set for commercial surety underwriters writing criminal bail bonds in the various courts throughout the state of Louisiana shall not be subject to the rates set by the insurance commissioner, but shall be set and adjusted by the legislature. The Except as provided in Subsection B of this Section, the rate for all commercial surety underwriters writing criminal bail bonds in the state of Louisiana shall be twelve percent of the face amount of the bond; or one hundred twenty dollars, whichever is greater. Any additional fee authorized by R.S. 13:718(D)(2) shall not be included in this premium rate and shall be exclusive of the limit set by this Section. All other provisions of the code relating to enforcement of the rate shall be effective and enforced in accordance with all parts of this Section.

B.(1) In any parish having a population of more than three hundred thousand and fewer than four hundred thousand persons according to the latest federal decennial census, to the extent an additional one percent has been collected under color of the provisions of Act 350 of the 2005 Regular Session, no repayment of overcollections as determined by the commissioner shall be required nor shall such actions be considered a violation of R.S. 22:855 or R.S. 22:1443.

(2) Notwithstanding any provision of law to the contrary, in no parish covered by the provisions of this Subsection shall the fee provided for in R.S. 22:822 be more than two dollars for each one hundred dollars worth of liability underwritten by the commercial surety.

Section 2. As enacted herein, R.S. 22:1443(B)(1) clarifies the procedure and interpretation of Act 350 of the 2005 Regular Session and shall have retroactive effect.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 55

SENATE BILL NO. 127

BY SENATOR LONG

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

AN ACT

To enact R.S. 37:798, relative to direct primary care agreements with a dental practice; to provide definitions; to set forth the written requirements for direct primary care agreements with a dental practice; to provide that a direct primary care agreement does not constitute health or dental insurance; to provide for prohibited and authorized practices; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:798 is hereby enacted to read as follows:

§798. Direct primary care agreement with a dental practice

A. As used in this Section, the following words have the meanings ascribed to them unless the context requires otherwise:

(1) "Board" means the Louisiana State Board of Dentistry.

(2) "Dentist" means a person licensed to practice dentistry in this state.

(3) "Direct primary care agreement" means a written agreement between a direct dental practice and a patient or his or her legal representative whereby the direct dental practice agrees to provide dental services to the patient for an agreed upon fee and period of time.

(4) "Direct dental practice" means a dentist or dental practice of a dentist that charges a periodic fee for dental services and which does not bill a third

party, including any entity subject to regulation under Title 22 of the Louisiana Revised Statutes of 1950, for any additional fee for services for patients covered under a direct primary care agreement. The per visit charge of the practice shall be less than the monthly equivalent of the periodic fee.

B. A direct primary care agreement that complies with the provisions of this Section is not health or dental insurance and is not subject to the provisions or regulations provided for under Title 22 of the Louisiana Revised Statutes of 1950.

C. A patient or legal representative shall not forfeit any insurance benefits, Medicaid benefits, or Medicare benefits by purchasing healthcare services or products outside the system.

D. A direct dental practice offering, marketing, selling, or entering into a direct primary care agreement shall not be required to obtain a certificate of authority or license other than to maintain a current license to practice dentistry in this state.

E. To be considered a direct primary care agreement for the purposes of this Section, the agreement shall satisfy all of the following:

- (1) Be in writing.**
- (2) Be signed by a dentist, or agent of the dentist, and the patient, or his or her legal representative.**
- (3) Allow either party to terminate the agreement upon written notice of at least thirty days to the other party.**
- (4) Describe the scope of dental services that are covered by the periodic fee.**
- (5) Specify the periodic fee and any additional fees outside of the periodic fee for ongoing dental services.**
- (6) Specify the duration of the agreement and any automatic renewal periods and require that no more than twelve months of the periodic fee be paid in advance.**
- (7) Prominently state in writing that is conspicuously visible and in bold font all of the following:**

(a) The agreement does not constitute health or dental insurance under the laws of this state.

(b) Patients insured by health insurance plans that are compliant with the Patient Protection and Affordable Care Act may already have coverage for pediatric dental benefits.

(c) Payments made by a patient for services rendered under a direct primary care agreement may not count toward the patient's health insurance deductibles and maximum out-of-pocket expenses.

(d) A patient is encouraged to consult with the patient's health insurance plan before entering into the agreement and receiving care.

(8) Provide that, upon termination of the agreement by the patient, all unearned fees are to be returned to the patient.

F. A direct dental practice may accept payment of periodic fees directly or indirectly from third-parties. A direct dental practice may accept a periodic fee paid by an employer on behalf of an employee who is a direct patient. However, a dental practice shall not enter into a contract with an employer relating to the direct primary care agreements between the direct dental practice and employees of that employer other than to establish the timing and method of the payment of the periodic fee by the employer.

G. A direct dental practice shall not decline to accept a new direct primary care patient or discontinue care to an existing patient solely because of a patient's health status, race, religion, national origin, the presence of any sensory, mental or physical disability, education, or economic status. A direct dental practice may decline to accept a patient if either:

(1) In the dentist's opinion, the patient's health condition is such that the provider is unable to provide the appropriate level and type of dental services the patient requires.

(2) The dental practice has reached its maximum capacity.

H. A direct dental practice may discontinue care for patients under the direct primary care agreement under any of the following conditions:

(1) The patient fails to pay the periodic fee.

(2) The patient has performed an act of fraud concerning the direct primary care agreement.

(3) The patient repeatedly fails to adhere to the recommended treatment plan.

(4) The patient is abusive or presents an emotional or physical danger to the staff or other patients of the dental practice.

(5) The direct dental practice discontinues operation as a dental practice.

I. A direct dental practice shall not:

(1) Enter into a participating provider contract with any health or dental insurance issuer or with any health or dental insurance issuer's contractor or subcontractor to provide healthcare or dental services through a direct agreement except as set forth in Subsection J of this Section.

(2) Submit a claim for payment to any health or dental insurance issuer or any health or dental insurance issuer's contractor or subcontractor for healthcare or dental services provided to direct patients as covered by their direct agreement.

(3) Pay for healthcare or dental services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in Subsection J of this Section.

J. A direct dental practice may:

(1) Enter into a participating provider contract with a health or dental insurance issuer for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such dentists shall be subject to all other provisions of the participating provider contract applicable to participating providers.

(2) Pay for charges associated with:

(a) Dispensing, at no additional cost to the direct patient, of prescription drugs prescribed by the direct provider in accordance with state law and regulations

promulgated by the board.

(b) Dental laboratory products ordered for a direct patient.

(3) Charge an additional fee to direct patients for supplies, medications, materials, and devices provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

K. The board may promulgate all rules and regulations that are necessary and proper to effectuate the provisions of this Section.

L. A violation of this Section shall constitute unprofessional conduct under R.S. 37:775 and result in sanctions by the board as authorized in this Chapter.

Approved by the Governor, June 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 56

SENATE BILL NO. 236
BY SENATOR MORRISH
AN ACT

To enact R.S. 39:816.1, relative to Consolidated School District Number 1 of Jefferson Davis Parish; to authorize the levy of a parcel fee within district boundaries; to provide for voter approval; to provide for imposition and collection; to provide a limitation on the amount of any such parcel fee; to provide relative to the use of proceeds; 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. 39:816.1 is hereby enacted to read as follows:

§816.1. Consolidated School District Number 1 of Jefferson Davis Parish; imposition of parcel fee, submission to voters; amount; collection; use of proceeds

A. The governing authority of Consolidated School District Number 1 of Jefferson Davis Parish may levy and collect a parcel fee within the boundaries of the district which shall not exceed two hundred dollars per parcel per year. The parcel fee shall be imposed by resolution of the governing authority of the district only after the question of the imposition of the parcel fee and the purpose, rate, and duration of the parcel fee has been approved by a majority of the voters of the district voting at an election held therein. The proceeds of such parcel fee shall be expended for the purposes of operating, maintaining, and improving the public school system in the district, and for all purposes incidental thereto. Any parcel fee imposed pursuant to this Section shall be levied and collected and be due and owing annually. The fee may be carried on the tax rolls for Jefferson Davis Parish and collected at the same time as parish ad valorem taxes.

B.(1) If any parcel fee is not paid when due, the district shall proceed against the parcel for the collection of the amount of the fee unpaid and delinquent, any collection costs incurred by the district, plus interest at a rate not exceeding twelve percent on the unpaid amount of the parcel fee, and, in the event legal proceedings are necessary to effect collection, court costs, and reasonable attorney fees. However, attorney fees shall be payable by the parcel owner only if demand by the governing authority of the district has been made on the parcel owner by registered or certified mail, and such parcel owner has failed to pay the amount due within ten days after such demand.

(2) A judgment obtained for nonpayment of a parcel fee, upon being recorded in the mortgage records of Jefferson Davis Parish, shall prime all other liens except those for taxes and prior recorded local or special assessments. If there are one or more property mortgages on such parcel and the mortgage holder or holders have notified the tax collector in Jefferson Davis Parish of such recorded mortgage or mortgages, the district, prior to proceeding against such parcel for failure to pay a parcel fee, shall give notice to each mortgagee of the amount of the parcel fee due and owing on such parcel and that such parcel fee must be paid within twenty days after the mailing of the notice or proceedings will be commenced against the parcel. The notice shall be sent to each such mortgage holder by certified mail, return receipt requested, or be made by personal or domiciliary service on such mortgage holder. In the event such notice is given, the district shall not commence such proceedings until at least twenty days after the mailing of such notice.

(3) Alternatively, the lien authorized by this Section may be enforced by assessing the amount of the lien against the parcel as a tax against the property. The lien may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the governing authority of the district has incurred such costs and expenses, together with any amount of the parcel fee which remains unpaid and delinquent constitute the lien on the property, including any costs of court, attorney fees, and interest, the governing authority may send an attested bill of such unpaid amount, costs, and expenses to the assessor of Jefferson Davis Parish who shall add the amount of such bill to the next tax bill of the property owner. The lien shall prime all other liens or privileges against the property, except other tax liens, filed after the statement specified in this Section is filed with the recorder of mortgages, regardless of the date on which the lien is perfected.

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 1, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 57

HOUSE BILL NO. 143

BY REPRESENTATIVES WHITE, CHANEY, ROBERT JOHNSON, MCMAHEN, MOORE, POPE, STAGNI, AND TURNER AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, ERDEY, FANNIN, GATTI, HENSGENS, HEWITT, JOHNS, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, PRICE, RISER, GARY SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE
AN ACT

To enact R.S. 17:2353(M), R.S. 22:1023.1, and Subpart A-1 of Part IV of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1170.1 through 1170.4, relative to potential recipients of organ transplants; to provide for rights of such persons; to prohibit discrimination against such persons based on disability; to prohibit certain actions by health insurance issuers with respect to organ transplantation; to authorize civil actions for relief in cases of violations of the prohibition on discrimination in organ transplantation; to require courts to follow certain procedures in considering such actions; to provide for definitions; to provide for legislative findings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2353(M) is hereby enacted to read as follows:

§2353. Persons who may receive anatomical gifts; purpose of anatomical gifts

* * *

M. Potential anatomical gift recipients shall be entitled to the protections against discrimination based on disability provided in R.S. 40:1170.1 et seq.

Section 2. R.S. 22:1023.1 is hereby enacted to read as follows:

§1023.1. Prohibited discrimination; potential organ transplant recipients with disabilities

A. For purposes of this Section, the following terms have the meaning ascribed to them in this Subsection:

(1) “Anatomical gift” means a donation of all or part of a human body that takes effect after the death of the donor for the purpose of transplantation or transfusion.

(2) “Covered person” means a policyholder, subscriber, enrollee, member, or individual covered by a health benefit plan.

(3) “Disability” has the meaning ascribed in 42 U.S.C. 12102.

(4) “Health benefit plan” means a policy, contract, certificate, or agreement entered into, offered, or issued by a health insurance issuer to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services. “Health benefit plan” shall not include a plan that provides coverage for excepted benefits as defined in R.S. 22:1061 or short term policies that have a term of less than twelve months.

(5) “Health insurance issuer” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including through a health benefit plan as defined in this Subsection, and shall include a sickness and accident insurance company, a health maintenance organization, a preferred provider organization or any similar entity, or any other entity providing a plan of health insurance or health benefits.

(6) “Organ transplant” means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

B. A health insurance issuer that provides coverage for anatomical gifts, organ transplants, or related treatment and services shall not do any of the following:

(1) Deny coverage to a covered person solely on the basis of the person having a disability.

(2) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the health benefit plan, solely for the purpose of avoiding the requirements of this Section.

(3) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce such provider to furnish care to an insured or enrollee in a manner inconsistent with this Section.

(4) Reduce or limit coverage benefits to a patient for the medical services or other services related to organ transplantation performed pursuant to this Section as determined in consultation with the attending physician and patient.

C. In the case of a health benefit plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement imposed pursuant to this Section shall not be treated as a termination of the collective bargaining agreement.

D. Nothing in this Section shall be construed as requiring a health insurance issuer to provide coverage for a medically inappropriate organ transplant.

Section 3. Subpart A-1 of Part IV of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1170.1 through 1170.4, is hereby enacted to read as follows:

SUBPART A-1. ORGAN TRANSPLANTATION: RIGHT OF POTENTIAL RECIPIENTS TO NONDISCRIMINATION

§1170.1. Legislative findings; declaration

A. The legislature hereby finds all of the following:

(1) A developmental, intellectual, or physical disability does not diminish a person’s right to health care.

(2) The provisions of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.), prohibit discrimination against persons with disabilities, yet many individuals with disabilities experience discrimination in accessing critical healthcare services.

(3) In some cases, persons with developmental, intellectual, or physical disabilities have been denied life-saving organ transplants based on beliefs or assumptions by healthcare providers that those persons are incapable of complying with post-transplant medical requirements, or that they lack adequate support systems to ensure compliance with those medical requirements.

(4) Although organ transplant centers must consider medical and psychosocial criteria when determining whether a patient is suitable to receive an organ transplant, transplant centers that participate in Medicare, Medicaid, and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs.

B. The legislature hereby declares that Louisiana residents in need of organ transplants shall be entitled to an assurance that they will not encounter discrimination on the basis of a disability.

§1170.2. Definitions

For purposes of this Subpart, the following terms have the meaning ascribed to them in this Section:

(1) “Anatomical gift” means a donation of all or part of a human body that takes effect after the death of the donor for the purpose of transplantation or transfusion.

(2) “Auxiliary aid or service” means an aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological, or physical disability and is available in a format or manner that allows the individual to better understand the information. An auxiliary aid or service may include any of the following:

(a) Qualified interpreters or other effective methods of making aurally delivered materials available to persons who are deaf or hard of hearing.

(b) Qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments.

(c) Supported decision-making services, including all of the following:

(i) The use of a support individual to communicate information to the person with a disability, ascertain the wishes of the person, or assist the person in making decisions.

(ii) The disclosure of information to a legal guardian, authorized representative, or another individual designated by the person with a disability for such purpose. A person making such disclosure shall do so in conformance with all applicable requirements of state and federal law, including but not limited to those of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d et seq.) and any federal regulations promulgated by the United States Department of Health and Human Services for implementation of that law.

(iii) If an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual’s health care and that medical decisions are in accordance with the individual’s own expressed interests.

(iv) Any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental or intellectual disabilities, including assistive communication technology.

(3) “Covered entity” means any of the following entities:

(a) Any licensed provider of healthcare services, including licensed healthcare practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers.

(b) Any entity responsible for matching anatomical gift donors to potential recipients.

(4) “Disability” has the meaning ascribed in 42 U.S.C. 12102.

(5) “Organ transplant” means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

(6)(a) “Qualified recipient” means an individual who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift.

(b) An individual who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift shall be deemed to be a qualified recipient regardless of any of the following:

(i) Whether he has access to individuals or entities available to support and assist him with an anatomical gift or transplantation.

(ii) Whether he has access to auxiliary aids or services.
(iii) Whether reasonable modifications to the policies, practices, or procedures of a covered entity are implemented, including modifications to allow for either of the following:

(aa) Communication with one or more individuals or entities available to support or assist with the recipient's care and medication after surgery or transplantation.

(bb) Consideration of support networks available to the individual, including family, friends, and home- and community-based services, including home- and community-based services funded through Medicaid, Medicare, another health plan in which the individual is enrolled, or any program or source of funding available to the individual, when determining whether the individual is able to comply with post-transplant medical requirements.

§1170.3. Discrimination against potential organ transplant recipients based on disability: prohibition

A. The provisions of this Section shall apply to all stages of the organ transplant process.

B. It shall be unlawful for a covered entity to do any of the following solely on the basis of an individual having a disability:

(1) Consider the individual ineligible to receive an anatomical gift or organ transplant.

(2) Deny medical services or other services related to organ transplantation, including diagnostic services, evaluation, surgery, counseling, and post-operative treatment and services.

(3) Refuse to refer the individual to a transplant center or other related specialist for the purpose of being evaluated for or receiving an organ transplant.

(4) Refuse to place a qualified recipient on an organ transplant waiting list.

(5) Place a qualified recipient on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if the individual did not have a disability.

(6) Refuse insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift or organ transplant, including post-transplantation and post-transfusion care.

C. Notwithstanding the provisions of Subsection B of this Section, a covered entity may consider an individual's disability when making treatment or coverage recommendations or decisions, but only to the extent that the disability has been found by a physician or surgeon, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

D. If an individual has the necessary support system to assist him in complying with post-transplant medical requirements, a covered entity may not consider the individual's inability to independently comply with post-transplant medical requirements to be medically significant for the purposes of Subsection C of this Section.

E. A covered entity shall make reasonable modifications to its policies, practices, or procedures to allow individuals with disabilities access to transplantation-related services, including diagnostic services, surgery, coverage, post-operative treatment, and counseling, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such services.

F. A covered entity shall take all such actions as are necessary to ensure that an individual with a disability is not denied medical services or other services related to organ transplantation, including diagnostic services, surgery, post-operative treatment, or counseling due to the absence of auxiliary aids or services, unless the entity demonstrates that taking the actions would fundamentally alter the nature of such services or would result in an undue burden for the entity.

G. Nothing in this Section shall be deemed to require a covered entity to make a referral or recommendation for or to perform a medically inappropriate organ transplant.

§1170.4. Enforcement; civil actions against covered entities; construction of Section

A. Whenever an individual believes that a covered entity has violated or is violating any provision of R.S. 40:1170.3, the affected individual may commence a civil action for injunctive and other equitable relief against the covered entity for purposes of enforcing compliance with this Subpart. The action may be brought in the district court for the parish where the affected individual resides or resided or was denied the organ transplant or referral.

B. In an action brought under this Section, the court shall give the action priority on its docket and expedited review, and may grant injunctive or other equitable relief including by any of the following means:

(1) Requiring auxiliary aids or services to be made available for a qualified recipient.

(2) Requiring the modification of a policy, practice, or procedure of a covered entity.

(3) Requiring that facilities be made readily accessible to and usable by a qualified recipient.

C. Nothing in this Section is intended to limit or replace available remedies under the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.), or any other applicable law.

D. This Section shall not be construed as creating a right to compensatory or punitive damages against a covered entity.

Section 4.(A) The legislature hereby declares that the life of a person with a disability who needs an organ transplant is as worthy and valuable as the life of a person with no disability who needs the same medical service.

(B) This Act shall be known and may be cited as "Evie's Law".

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 30, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 58

HOUSE BILL NO. 24
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact R.S. 11:1903(A)(introductory paragraph) and to enact R.S. 11:1902(12)(e), relative to membership in the Parochial Employees' Retirement System of Louisiana; to provide for membership of employees of certain public trusts; 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. 11:1903(A)(introductory paragraph) is hereby amended and reenacted and R.S. 11:1902(12)(e) is hereby enacted to read as follows:

§1902. Definitions
As used in this Chapter, the following words and phrases shall have the following meanings, unless a different meaning is plainly required by context:

(12) * * *
* * *
(e) "Employee" shall also mean a person employed by a public trust that meets all of the following conditions:

(i) The trust was created pursuant to R.S. 9:2341 et seq.
(ii) The trust exists for the sole benefit of a parish, without regard to the source of funds for such trust.
(iii) The trustees of the trust have submitted a plan pursuant to R.S. 11:1903, and the plan has been approved by the board of trustees.

* * *
§1903. Admission of taxing districts; district indigent defender programs; soil and water conservation districts; certain public corporations

A. Any taxing district of a parish that qualifies as an employer pursuant to R.S. 11:1902(13); or any branch or section of a parish that qualifies as an employer pursuant to R.S. 11:1902(13); including a hospital district, water district, library, district indigent defender program in this state, or soil and water conservation district in this state; and any public corporation created pursuant to R.S. 9:2341 et seq. whose sole beneficiary is a parish in the state is hereby authorized to may submit for approval by the board of trustees a plan for extending the benefits of this Chapter to employees of such district instrumentality. Each such plan or any amendment thereof shall be approved by the board of trustees if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the board of trustees, except that no such plan shall be approved unless:

* * *
Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 59

HOUSE BILL NO. 40
BY REPRESENTATIVE CHAD BROWN
AN ACT

To enact R.S. 33:4579, relative to the parish of Assumption; to provide relative to recreational vehicle parks located within the parish; to authorize the parish governing authority to levy a parking and use tax within such parks, subject to voter approval; to provide relative to the use of tax proceeds; 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. 33:4579 is hereby enacted to read as follows:
§4579. Assumption Parish; recreational vehicle parks; parking and use tax
A.(1) In addition to any other tax levied and collected, the governing authority of Assumption Parish may levy and collect a parking and use tax within any recreational vehicle park located within the parish. The tax shall not exceed four dollars and ninety cents per rented parking space per day.

(2)(a) The term "recreational vehicle" shall be defined by ordinance of the parish governing authority.

(b) The term "recreational vehicle park" as used in this Section shall mean and include any commercial establishment providing space and utilities in

order to accommodate recreational vehicles on a temporary, overnight basis.

(3) The person who parks or is entitled to park a recreational vehicle in an allotted parking space shall pay the tax at the time the rent or fee for parking is paid. "Person" as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority of Assumption Parish shall impose the parking and use tax by ordinance. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the parish voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate including payment of a reasonable collection fee, for the collection of the parking tax authorized by this Section. The parking and use tax shall be in addition to all taxes levied within the parish.

D. Except as provided in Subsection C of this Section, the governing authority of the parish shall deposit the proceeds of the tax into the general fund of the parish.

Section 2. This Act shall become effective on July 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 03, 2019.

A true copy:

R. Kyle Ardoin

ACT No. 60

HOUSE BILL NO. 148

Judicial
will publish in a later edition.

Secretary of State

ACT No. 61

HOUSE BILL NO. 42
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 33:4569, 4569.1, 4569.2, and 4569.3(introductory paragraph), (1), (5), (12), and (13), relative to the Iberville Parks and Recreation District; to provide relative to the name of the district; to provide relative to the board of commissioners; to provide relative to the membership of the board; 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. 33:4569, 4569.1, 4569.2, and 4569.3(introductory paragraph), (1), (5), (12), and (13) are hereby amended and reenacted to read as follows:

§4569. Iberville Parish Parks and Recreation District; creation; limits; purpose

There is hereby created the Iberville Parish Parks and Recreation District, referred to in R.S. 33:4569 through 4569.3 as the "district", whose authority shall encompass all territory within the geographic limits of the parish of Iberville, notwithstanding the provisions of any law to the contrary. The district is created for the purposes set forth in R.S. 33:4569 through R.S. 33:4569.3 and shall be responsible for the acquisition, construction, development, maintenance, and operation of parks and recreational facilities and programs in Iberville Parish.

§4569.1. Board of commissioners; ~~appointment; terms; vacancies; membership;~~ officers; compensation; personnel

A. The control and management of the affairs of the ~~Iberville Parish Parks and Recreation District~~ district shall be vested in a board of commissioners that is hereby created, referred to in this Section, R.S. 33:4569.2 and 4569.3 as the "board". The commission shall consist of eleven members charged with administering all parks and recreation activities, to be composed as follows:

(1) Seven citizen members appointed by the parish governing authority in such manner as to provide geographical representation on the commission from all areas of the parish. The parish governing authority shall specify by resolution the geographic areas from which the seven members are appointed. However, no citizen member shall be an elected official.

(2)(a) Four ex officio members to serve as advisers to the commission as follows:

- (i) One school board member appointed by the parish school board.
- (ii) Two members of the parish governing authority appointed by the governing authority.
- (iii) The Iberville Parish county agent.

(b) ~~The four ex officio members shall be nonvoting members of the commission.~~

(c) ~~The Iberville Parish county agent may be represented at any meeting by his designee who shall have all powers of an ex officio member at such meeting.~~

B.(1) ~~The seven citizen members shall serve initial terms as determined by the governing authority as follows:~~

(a) ~~Four for three years, and~~

(b) ~~Three for two years.~~

~~They shall serve until their successors have been appointed and qualified. Thereafter, the terms of the successors of any such members shall be for three years:~~

(2) ~~The four ex officio members shall serve as follows:~~

(a) ~~The two members of the parish governing authority shall serve at the discretion of the governing authority.~~

(b) ~~The school board member shall serve until the expiration of the term to which he was elected; and~~

(c) ~~The county agent shall serve during the period he serves as county agent.~~

C. ~~All vacancies occurring in the membership of the commission shall be filled in the manner of the original appointment. In the event any citizen member is elected to any public office or removes his residence from the geographic area from which he was appointed, his membership shall be immediately vacated and his successor shall be immediately appointed. The members of the governing authority of the parish of Iberville shall serve as the members of the board.~~

~~D.(1)B.(1) The commission board shall prescribe rules fixing its meetings and procedure and may elect such officers as may be needed, including a chairman, from among its membership. A majority of the citizen membership of the commission membership of the board shall constitute a quorum for the transaction of business. Members of the commission board shall serve without compensation or reimbursement of expenses incurred, except that the citizen members may receive a per diem of twenty-five dollars per meeting for each meeting in attendance not to exceed eighteen meetings per year to be paid from the funds of the district.~~

(2) ~~The commission board may appoint, employ, and fix the salary of a full-time director of parks and recreation who shall have such duties and responsibilities as may be determined by the commission board, and may also employ and fix the salaries, duties, and responsibilities of an assistant director and such additional staff as necessary to operate park and recreational facilities and programs.~~

§4569.2. Corporate status; domicile

The district shall constitute a body corporate in law, with all the powers of a corporation, and with all the powers and rights of a political subdivision of the state relative to the incurring of debt and the issuing of bonds therefor. The domicile of the district shall be designated by the members at the first regular meeting of the ~~commission board~~. The district may buy and sell property, incur debt and contract obligations in accordance with law, sue and be sued, and perform any and all acts in its corporate capacity and in its corporate name which are necessary and proper for effectuating the purposes and objects for which it is created.

§4569.3. Powers and duties of ~~commission board~~

The ~~commission board~~ shall have all powers necessary or convenient to effectuate the purposes of the district, including but not limited to the following rights and powers:

(1) To acquire, purchase, lease as lessee, and hold and use any property, ~~real, personal or mixed, tangible or intangible, immovable, movable, or mixed, corporeal or incorporeal,~~ or any interest therein necessary or desirable for effectuating its purposes, and to sell, transfer, lease as lessor, and dispose of any property or interest therein at any time acquired by the ~~commission board~~; however, title to all such property shall be acquired in the name of the Iberville Parish governing authority and shall be held for the ~~Iberville Parish Parks and Recreation District~~ district.

* * *

(5) To adopt and implement a parishwide recreation and parks program in accordance with priorities developed in conjunction with ~~advisory commission members~~; local elected officials, other community leaders, and citizens of Iberville Parish.

* * *

(12) To issue bonds for the purpose of constructing, acquiring, improving, maintaining, or extending park and recreational facilities of the ~~commission district~~ pursuant to Article VI, Section 33 of the Louisiana Constitution and other constitutional and statutory authority supplemental thereto. Such bonds may be issued only after authorization by a majority of voters in the district voting at an election called by the parish governing authority and held for that purpose.

(13) Any revenues collected or generated from the P.W. Holiday & Son, Ltd. (Assessment #0700848575) shall be used to maintain the P.W. Holiday Park (established by donated property to either ~~Iberville Parks and Recreation District~~ the district or Iberville Parish).

Section 2. The terms of the members of the board of commissioners of the Iberville Parks and Recreation District in office on the effective date of this Act shall terminate on the effective date of this Act; however, such members shall remain in office until the members of the governing authority of Iberville Parish take office as provided in this Act.

Approved by the Governor, June 03, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 62

HOUSE BILL NO. 54
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 46:1053(Q)(2), relative to Concordia Parish Hospital Service District Number One; to provide relative to the membership of the governing board of commissioners; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1053(Q)(2) is hereby amended and reenacted to read as follows:

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

* * *

Q.

* * *

(2) Upon expiration of the term of each of the initial two additional commissioners appointed pursuant to this Subsection, the successors of one of such additional commissioners shall be appointed by the police jury of the parish and shall serve six-year terms and be subject to removal as provided in Subsection C of this Section. Each of the successors of the remaining additional commissioner shall be designated as the physician member. ~~The police jury shall appoint the immediate past chief of staff of the hospital medical staff as the physician member. The medical staff of the Riverland Medical Center shall elect an active member of the medical staff at the medical center to serve as the physician member.~~ The term of the physician member shall be two years and the outgoing chief of staff shall be his successor. The physician member shall not be is subject to the requirements of Subsection A of this Section that commissioners be qualified voters and residents of the district.

* * *

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 03, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 63

HOUSE BILL NO. 56
BY REPRESENTATIVE MARCELLE
AN ACT

To amend and reenact R.S. 33:9097.20(D)(1), (3)(a), (6), and (7), (E)(9), and (F) (introductory paragraph), (1), and (5)(b) and to enact R.S. 33:9097.20(D)(3)(d), relative to the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the powers and duties of the board; to provide relative to the parcel fee imposed within the district; to provide relative to the authority to impose such fee; to provide relative to the expiration and renewal of such fee; 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. 33:9097.20(D)(1), (3)(a), (6), and (7), (E)(9), and (F)(introductory paragraph), (1), and (5)(b) are hereby amended and reenacted and R.S. 33:9097.20(D)(3)(d) is hereby enacted to read as follows:

§9097.20. Goodwood Homesites Crime Prevention and Neighborhood Improvement District

* * *

D. Governance. (1) The district shall be governed by a board of eleven commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the Goodwood Homesites Civic Association, Inc., referred to in this Section as the "association", shall be a member.

(b) The board of directors of the association shall appoint ~~six~~ **two** members.

~~(c) The mayor president of the city of Baton Rouge, parish of East Baton Rouge shall appoint one member from a list of nominations submitted by the association.~~

~~(d)(c)~~ The member of the governing authority of the city of Baton Rouge,

parish of East Baton Rouge, whose council district encompasses all or the greater portion of the area of the district shall appoint ~~one member from a list of nominations submitted by the association~~ **three members**.

~~(e)(d)~~ 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~~ **three members**.

~~(f) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.~~

~~(e)~~ The assessor for the parish of East Baton Rouge shall appoint **two members**.

* * *

(3)(a) Board members serving pursuant to Subparagraphs ~~(1)(b) through (f)~~ **(1)(b) through (e)** of this Subsection shall serve four-year terms after initial terms as provided in this Subparagraph. Two members shall serve initial terms of one year, two shall serve initial terms of two years, three shall serve initial terms of three years, and three shall serve initial terms of four years, as determined by lot at the first meeting of the board.

* * *

~~(d) Any board member may be removed for cause by a majority vote of 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~~ **treasurer**. The board may hire paid or unpaid administrative support staff.

(7) 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 the Open Meetings Law. The board shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws. ~~The board shall also be subject to the Public Records Law and the Code of Governmental Ethics.~~

* * *

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

* * *

(9) To procure and maintain liability insurance, ~~as deemed necessary by the board~~, against any personal or legal liability of a board member that may be asserted or incurred based upon his services 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.

* * *

F. Parcel Fee ~~fee~~. The ~~governing authority of the city of Baton Rouge, parish of East Baton Rouge is hereby authorized to district, acting through its board, may~~ impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The amount of the fee shall be as ~~requested~~ **provided** by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land not to exceed two hundred dollars per year for residential parcels, five hundred dollars per year for commercial parcels, and ninety dollars per year for parcels the owner of which qualifies for and receives a special assessment level of ad valorem taxes as provided in Article VII, Section 18(G)(1) of the Constitution of Louisiana.

* * *

(5)

* * *

(b) The fee shall expire ~~five years after its initial levy but at the time provided in the proposition authorizing the fee.~~ The fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as a regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ~~eight~~ **ten** years.

* * *

Section 2. The terms of the members of the board of commissioners of the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in office on the effective date of this Act shall terminate on the effective date of this Act; however, such members shall remain in office until the board members appointed as provided in this Act take office. The members of the board of commissioners of the Goodwood Homesites Crime Prevention and Neighborhood Improvement District shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act.

Section 3. Notwithstanding R.S. 33:9097.20(F)(introductory paragraph) as enacted by this Act, the governing authority of the city of Baton Rouge, parish of East Baton Rouge shall continue to impose and collect the parcel fee for the remainder of the period that it was authorized to do so by the voters on December 6, 2014. At no time shall a property owner in the Goodwood Homesites Crime Prevention and Neighborhood Improvement District be subject to an annual parcel fee, whether paid to the district or to the city-parish on behalf of the district, that exceeds the rate limit established either by law or by a proposition authorizing the imposition of the fee within the district.

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 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 64

HOUSE BILL NO. 67
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 34:2472(A) and 2473(F)(3), relative to the South Louisiana Port Commission; to modify the titles of certain board officer positions within the membership of the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:2472(A) and 2473(F)(3) are hereby amended and reenacted to read as follows:

§2472. Officers of the board; meetings

A. The commission shall elect from among its own members a ~~president, a vice president chairman, a vice chairman,~~ a secretary, and a treasurer, whose respective duties shall be prescribed by the commission. At the option of the commission the offices of the secretary and treasurer may be held by one person. The commission shall meet in regular session once each month and also shall meet in special session at the call of the ~~president chairman~~ of the commission or on the written request of three members of the commission. A majority of the members of the commission shall constitute a quorum and all action or resolutions of the commission must be approved by the affirmative vote of not less than a majority of all members of the commission.

* * *

§2473. Jurisdictional boundaries; rights and powers of commission and executive director

* * *

F.

* * *

(3) The port shall contract for an annual independent audit. An auditor, acceptable to the legislative auditor, shall be contracted with by the ~~president chairman~~ of the commission and the chairman of the finance committee and shall be approved by a record vote of a majority of the commission membership.

* * *

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 65

HOUSE BILL NO. 68
BY REPRESENTATIVE THOMAS
AN ACT

To enact R.S. 47:463.202, relative to motor vehicle special prestige license plates; to establish the "War of 1812" special prestige plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.202 is hereby enacted to read as follows:

§463.202. Special prestige license plate; "War of 1812"

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "War of 1812" plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Society of the War of 1812 in the State of Louisiana to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words "War of 1812".

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

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded to the Society of the War of 1812 in the State of Louisiana.

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

Section 2. The Department of Public Safety and Corrections, office of motor

vehicles, is hereby directed to create the special prestige license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 66

HOUSE BILL NO. 128
BY REPRESENTATIVE ANDERS
AN ACT

To enact R.S. 22:12.1, relative to the maintenance of information in applications for licenses filed with the commissioner of insurance; to require the applicant to notify the commissioner of changes to the content of the application; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:12.1 is hereby enacted to read as follows:

§12.1. Maintenance of information in applications for licensure
All persons applying for any form of license or certificate of authority pursuant to this Title shall notify the commissioner of changes to the content of the application.

Section 2. This Act shall become effective on July 1, 2019.

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 67

HOUSE BILL NO. 154
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 33:2213(K), relative to the city of Houma; to provide relative to the city's police department; to authorize the city to establish certain work shift cycles for dispatchers employed by the department; to provide relative to the calculation of compensatory time and overtime pay for such employees; 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. 33:2213(K) is hereby amended and reenacted to read as follows:

§2213. Maximum hours; overtime or compensatory time; exceptions for certain cities

* * *

K. Notwithstanding any other provision of law to the contrary, including Subsection A hereof, the city of Houma may establish and implement twelve-hour work shift cycles for all paid patrolmen, patrolmen first class, sergeants, lieutenants, captains, dispatchers, or any other employees of the police department except those in a position, grade, or class above that of captain. Such officers and employees shall be paid overtime at the rate of one and one-half times their usual salary when the number of hours worked during the two-week work cycle exceeds eighty hours or shall be credited with compensatory time on a one and one-half basis for all hours in said cycle that exceed eighty hours.

* * *

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 68

HOUSE BILL NO. 173
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact R.S. 13:2592(A), relative to justices of the peace; to provide relative to appointing a justice of the peace ad hoc; to provide for compensation of a justice of the peace ad hoc; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2592(A) is hereby amended and reenacted to read as follows:

§2592. Justice of the peace ad hoc; appointment; qualifications

A. A justice of the peace may appoint a person residing within the territorial boundaries of the court who meets the qualifications required by law for the office of justice of the peace or a justice of the peace currently elected within the same parish as a justice of the peace ad hoc to serve for a maximum of thirty days in each year. The justice of the peace must notify the office of the

attorney general within seventy-two hours of the appointment and provide the name, address, and telephone number of the ad hoc justice of the peace. The justice of the peace ad hoc shall meet the qualifications required by law for the office of justice of the peace. He shall ~~may~~ be paid the same compensation from the same sources as is paid to the justice of the peace while he serves, and he shall during that time have the powers and duties of a regular justice of the peace.

* * *

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 69

HOUSE BILL NO. 176
BY REPRESENTATIVE CHAD BROWN
AN ACT

To enact R.S. 33:3887.8, relative to sewerage districts; to provide relative to the governance of districts created by certain parishes; to authorize the governing authority of any such parish to provide, by ordinance, for the governance of the districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:3887.8 is hereby enacted to read as follows:
§3887.8. Home rule charter parishes; districts; governance

A. The governing authority of any parish governed by a home rule charter may provide, by ordinance, for the governance of districts created by the parish. Any such ordinance may provide for the creation of one or more supervising boards to govern such districts. Any ordinance that creates a supervising board shall provide for the appointment and compensation of board members.

B. This Section shall not apply to the parish of Orleans.

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin

ACT No. 70

HOUSE BILL NO. 598
Legislative
will publish in a later edition.

Secretary of State

ACT No. 71

HOUSE BILL NO. 232
BY REPRESENTATIVE TURNER
AN ACT

To enact R.S. 47:490.32, relative to motor vehicle military honor license plates; to create a military honor license plate for combat veterans; to provide for the creation, issuance, design, fees, distribution, and rule promulgation applicable to such plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:490.32 is hereby enacted to read as follows:
§490.32. Military honor license plate for a "Combat Veteran"

A. The secretary of the Department of Public Safety and Corrections shall establish a military honor license plate to be known as the "Combat Veteran" plate.

B. Upon application of a person presenting certification from the United States Department of Veteran Affairs or the Louisiana Department of Veterans Affairs that the applicant is a combat veteran, the secretary shall issue a military honor license plate to be used in lieu of a regular motor vehicle registration plate. The license plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. The military honor license plate shall include the words "COMBAT VETERAN" centered on the bottom of the plate. The colors of the plate shall be red, white, and blue.

C. The charge for the license plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana as provided in R.S. 47:463, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

D. The secretary shall adopt rules and regulations to implement the provisions of this Section, including but not limited to rules governing the transfer of license plates from one vehicle to another and the disposition of such license plates.

E.(1) Any applicant who qualifies for the military honor license plate

authorized by this Section may be issued a plate for each vehicle registered in the applicant's name.

(2) Except as otherwise provided in this Paragraph, each military honor license plate issued pursuant to this Section shall be returned to the secretary upon the death of the person to whom the plate was issued. The surviving spouse of the person issued a military honor license plate pursuant to this Section may retain the plate, provided the surviving spouse has not remarried and applies to the secretary for a transfer of the plate. A military honor license plate transferred pursuant to this Paragraph to a surviving spouse shall be returned to the secretary upon the death or remarriage of the surviving spouse.

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

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 72

HOUSE BILL NO. 317
BY REPRESENTATIVES HOWARD, ARMES, BAGLEY, BAGNERIS,
BERTHELOT, BILLIOT, TERRY BROWN, CARMODY, STEVE CARTER,
CHANEY, DUBUISSON, EDMONDS, FALCONER, GAROFALO, GUINN,
HOFFMANN, MIKE JOHNSON, LYONS,
MAGEE, MCFARLAND, AND MOORE
AN ACT

To enact R.S. 47:463.202, relative to motor vehicle special prestige license plates; to establish the "Louisiana REALTORS" special prestige plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.202 is hereby enacted to read as follows:
§463.202. Special prestige license plate: "Louisiana REALTORS"

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Louisiana REALTORS" plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Louisiana REALTORS to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words "Louisiana REALTORS".

C. The special prestige license plate shall be issued, upon application, to any member or affiliate of the Louisiana REALTORS upon verifying membership in a manner that is mutually determined by the secretary and the board of directors of the Louisiana REALTORS.

D. The department shall collect an annual royalty fee of ten dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E.(1) The annual royalty fee shall be collected by the department and forwarded to the Louisiana REALTORS Association Relief Fund. The monies in the fund shall be utilized to provide financial relief to realtors and others following a disaster and as permitted by that entity's bylaws.

(2) The amount forwarded to the Louisiana REALTORS Association Relief Fund shall be deemed to be a charitable donation to that entity by the applicant.

(3) Application for the license plate created pursuant to this Section shall constitute prior written consent and instruction by the applicant to the department to provide his name, address, and birth date to the Louisiana REALTORS. The secretary shall ensure that the application for the plate includes a statement granting such consent.

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

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

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 73

HOUSE BILL NO. 342
BY REPRESENTATIVE STEVE CARTER
AN ACT

To amend and reenact R.S. 33:9097.12(B), (D)(2), (E)(7), and (F)(3)(c) and (4), relative to the Jefferson Place/Bocage Crime Prevention and Improvement District; to provide relative to the boundaries of the district; to provide relative to the governing board of the district; to provide relative to the levy of a parcel fee; 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. 33:9097.12(B), (D)(2), (E)(7), and (F)(3)(c) and (4) are hereby amended and reenacted to read as follows:

§9097.12. Jefferson Place/Bocage Crime Prevention and Improvement District

* * *

B. Boundaries. (1) The boundaries of the district shall be the areas as established in the official subdivision plat filed with the clerk of court of East Baton Rouge Parish for the subdivisions of Bocage, Bocage Estates, Filings 1 through 5 of Jefferson Place, and The Cloisters.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the boundaries of the district shall also include the area comprised of Lots 39, 40, 41, 42A, 43, and 44 of Bocage Lakes Subdivision, as established on the official subdivision plat filed with the clerk of court of East Baton Rouge Parish, if the inclusion of the area is approved by a majority of the registered voters residing in the area who vote on a proposition at an election held for this purpose in accordance with the Louisiana Election Code. The district may call an election for this purpose.

* * *

D. Governance.

* * *

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

* * *

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

* * *

(7) To provide for such services and make such expenditures as the board deems proper for the security or beautification of the district, including maintenance and improvement to common areas.

* * *

F. Parcel fee. The district, through the board, is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

* * *

(3)

* * *

(c) If approved, the fee and the board's authority to increase it shall expire in ten years, but the fee and board authority may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as any regularly scheduled election in East Baton Rouge Parish for that purpose in accordance with the Louisiana Election Code. If the fee and board authority is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(4) No fee shall be imposed upon any parcel whose owner qualifies for and receives, prior to January 1, 2020, the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

* * *

Approved by the Governor, June 03, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 74

HOUSE BILL NO. 355
BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 56:332(B), (F), and (H), relative to crab fishing; to prohibit the taking of immature female crabs; to provide for enhanced penalties for certain class four crab fishing violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:332(B), (F), and (H) are hereby amended and reenacted to read as follows:

§332. Crabs; release of immature female crabs and crabs in berry stage; method of taking crabs; time limitations; by-catch; penalties, abandoned crab trap removal program; escape rings

* * *

B.(1) No person shall keep or sell immature female crabs or adult female crabs in berry stage, that is, when ~~they~~ the adult females are carrying the eggs or young attached to the abdomen. All immature female crabs and crabs in berry stage taken by any means shall be returned immediately to the waters, unless the immature female crabs are in the premolt stage and are being held for processing as soft shell crabs or being sold to a processor for the producing

of soft shell crabs. However, a legally licensed commercial crab fisherman may have in ~~his work box~~ an incidental take of immature female crabs in an amount not to exceed five percent of crabs in berry stage in an amount equal to not more than two percent of the total number of crabs in his possession.

(2) To determine whether the total number of crabs in possession violates this Subsection, the enforcement agent shall take a random sample of fifty crabs from each crate or group of crabs equivalent to one crate. If more than five percent of the crabs in that fifty crab random sample are immature female crabs or adult crabs in berry stage, the entire number of crabs in that crate or group of crabs equivalent to one crate shall be considered to be in violation.

(3) Crabs in a work box, as defined in R.S. 56:8, shall not be subject to the immature female or adult berry stage restriction while the crabs are held aboard the vessel and the fisherman is actively fishing.

* * *

~~F.(1) Notwithstanding any other law to the contrary, theft~~ Theft of a crab trap or crabs from within a crab trap shall be prohibited and shall constitute a class 4 four violation punishable as provided in R.S. 56:34.

(2) In addition to all other penalties provided in this Subsection, for the first violation of this Subsection, the department shall suspend or revoke the violator's crab trap gear license for a period of one year from the date of the conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During the period in which the violator's license is suspended or revoked, the violator may be present on a vessel commercially harvesting or processing crabs only if that vessel is equipped with and is actively using a vessel monitoring system accessible to the department as prescribed in R.S. 56:424.1(B). In addition, the violator shall be sentenced to perform no less than forty hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of the derelict crab trap removal program or in a litter abatement community service program.

(3) In addition to all other penalties provided in this Subsection, for a second violation of this Subsection, the department shall suspend or revoke the violator's crab trap gear license for a period of three years from the date of the conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During the period in which the violator's license is suspended or revoked, the violator may be present on a vessel commercially harvesting or processing crabs only if that vessel is equipped with and is actively using a vessel monitoring system accessible to the department as prescribed in R.S. 56:424.1(B). In addition, the violator shall be sentenced to perform no less than ninety hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of the derelict crab trap removal program or in a litter abatement community service program.

(4) In addition to the other penalties provided in this Subsection, for a third or subsequent violation of this Subsection, the violator's crab trap gear license shall be suspended or revoked for a period of ten years from the date of the conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During the period in which the violator's license is suspended or revoked, the violator shall not be present on a vessel commercially harvesting or processing crabs. In addition, the violator shall be sentenced to perform no less than one hundred twenty hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of the derelict crab trap removal program or in a litter abatement community service program.

* * *

H.(1) Violation of any provision of this Section constitutes a class four violation, except as otherwise provided ~~herein in this Section and specifically as provided in Subsection F of this Section.~~

(2) In addition to the penalties associated with a class four violation under the provisions of R.S. 56:34, for the first conviction of a class four violation of this Section, the court shall also sentence the violator to perform forty hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of a derelict crab trap removal program or in a community service litter abatement program.

(3) In addition to the penalties associated with a class four violation under the provisions of R.S. 56:34, for the second conviction of a class four violation of this Section, the court shall revoke or suspend the violator's crab trap gear license for one year from the date of the conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing crabs only if the vessel is equipped with and is actively using a vessel monitoring system accessible to the Department of Wildlife and Fisheries as prescribed in R.S. 56:424.1(B). The court shall also sentence the violator to perform forty hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of a derelict crab trap removal program or in a community service litter abatement program.

(4) For a third conviction of a class four violation of this Section, the court shall revoke or suspend the violator's crab trap gear license for three years from the date of the third conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing crabs only if the vessel is equipped with and is actively using an operating vessel monitoring system as described in R.S. 56:424.1(B) that is accessible to the Department of Wildlife and Fisheries. In addition, the court shall sentence the violator to perform no less than ninety

hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of a derelict crab trap removal program or in a community service litter abatement program.

(5) For a fourth or subsequent conviction of a class four violation of this Section, the court shall revoke or suspend the violator's crab trap gear license for ten years from the date of the last conviction and no new crab trap gear license shall be issued to the violator during the period of suspension or revocation. During such revocation or suspension, the violator may be present on a vessel harvesting or possessing crabs only if the vessel is equipped with and is actively using an operating vessel monitoring system as described in R.S. 56:424.1(B) that is accessible to the Department of Wildlife and Fisheries. In addition, the court shall sentence the violator to perform no less than one hundred twenty hours of community service. If available, the hours shall be served removing abandoned crab traps as a part of a derelict crab trap removal program or in a community service litter abatement program.

* * *

Approved by the Governor, June 03, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 75

HOUSE BILL NO. 533
BY REPRESENTATIVE HORTON AND SENATOR GATTI
AN ACT

To enact Subpart D-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:140.50.1 through 140.50.39, relative to planning commissions; to authorize the town of Haughton and Bossier Parish to create a metropolitan planning commission; to provide relative to the jurisdiction, governance, and powers and duties of the commission; 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. Subpart D-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:140.50.1 through 140.50.39, is hereby enacted to read as follows:

SUBPART D-1. HAUGHTON METROPOLITAN PLANNING

§140.50.1. General purposes

A. It is the purpose and intent of this Subpart to authorize metropolitan planning in the town of Haughton and its environs and to provide for the creation, organization, powers and duties of a metropolitan planning commission; for the regulation of the subdivision of land in the metropolitan planning area, as defined in this Subpart; for the making and adoption of an official map or maps to preserve the integrity of the major street plan and other plans by the regulation of buildings in mapped streets; for the making and adoption of a zoning plan and zoning ordinance or ordinances; for the adoption of ordinances prescribing minimum construction, health, and sanitation standards to prevent the spread of slums and to encourage and assist public and private agencies, corporations, and individuals in the rehabilitation and redevelopment of blighted areas; and for the adoption of other plans, ordinances, and measures to effectuate the purposes of this Subpart.

B. It is the further intent of this Subpart to provide for the planning and the effectuation of plans for the orderly physical development of the metropolitan planning area as a whole. In this Subpart, provision is made for unified planning of the area within the town of Haughton and environs; and, further, provision is made for joint or correlated action by the town council and the police jury in the adoption of ordinances or other measures to effectuate such unified plans.

§140.50.2. Separate actions by town council and police jury

A. If joint or correlated legislative action is required, it is contemplated in this Subpart that such joint or correlated legislative action will be taken within a reasonable time after the submission of such ordinances or other measures to the town council or the police jury by the commission.

B. If such legislative action is not taken by either the town council or the police jury, nothing in this Subpart shall be construed to prohibit, prevent, or impair the other from taking such action unilaterally with respect to the territory within its lawful jurisdiction; in such case either the town council or police jury, as the case may be, that has failed to take such legislative action shall forfeit to the other all rights and privileges with respect to joint action, such as appointment of members of the board of adjustment, and such rights and privileges shall remain forfeited until such time as the joint or correlated action contemplated is taken.

§140.50.3. Conflict with other laws

A. If other laws relating to the physical planning, zoning, airport zoning, effectuation of plans, platting, and other purposes of this Subpart are in conflict with the provisions of this Subpart, the provisions of this Subpart shall prevail; however, where such other laws or provisions thereof provide for other and additional duties, powers, authority, and responsibility, such other laws shall be applicable insofar as they are not in conflict with the provisions of this Subpart.

B. If the town council or police jury fails to make use of the provisions of this Subpart, the provisions of this Subpart shall not be construed to displace,

amend, supersede or affect existing planning or zoning laws of the state of Louisiana or of either jurisdiction.

§140.50.4. Delegation of authority

A. If, for reasons of convenience, economy, or effectiveness in the administration of plans, ordinances, or other measures, such as zoning, it is desired that the town council or police jury or department, bureau, or agent of either undertake the administration of such plans, ordinances, or other measures with respect to the territory of the other, the town council and police jury may enter into such arrangement as may be mutually agreed upon for such administration and to provide compensation therefor to the governing body or department, bureau, or agent thereof, commensurate with the value and extent of the administration and work involved.

B. Nothing in this Section shall be construed as authorizing the delegation by the town council or the police jury to the other or to any department, bureau, or agent thereof, of the legislative authority vested by law in such governing body.

§140.50.5. Definitions

For the purposes of this Subpart, words and phrases used are defined as follows:

(1) "Commission" means the Haughton Metropolitan Planning Commission of Bossier Parish as provided for in R.S. 33:140.50.6.

(2) "Metropolitan planning area" means the town of Haughton and any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality; however, such metropolitan planning area shall not extend more than five miles beyond the municipality.

(3) "Municipal" and "municipality" means the town of Haughton.

(4) "Parish" means Bossier Parish.

(5) "Police jury" means the governing authority of Bossier Parish.

(6) "Street" or "streets" means public thoroughfares, avenues, boulevards, roads, lanes, alleys and other ways.

(7) "Subdivision" means the division of a lot, a tract, or parcel of land or a portion thereof, into two or more lots, sites, or other divisions, any one or more of which is to be platted as a lot of record for the purpose, whether immediate or future, of sale or building development, and also means resubdivision, or the consolidation of lots or tracts or portions thereof into single lots, and, when appropriate to the context, relates to the process of subdividing, as to the land or area subdivided.

(8) "Town council" means the governing authority of the town of Haughton.

§140.50.6. Metropolitan planning commission; creation and appointment

A. The town council and the police jury may create a commission, to be known as the Haughton Metropolitan Planning Commission of Bossier Parish.

B.(1) The commission shall consist of five members as follows: two members appointed by the town council, two members appointed by the police jury, and one member appointed jointly by the town council and the police jury.

(2) All members of the commission shall be residents and qualified voters of the metropolitan planning area.

(3) The members shall serve four-year terms after initial terms as provided in this Paragraph. One member shall serve an initial term of one year; one shall serve two years, one shall serve three years; and two shall serve four years, as determined by lot at the first meeting of the commission.

(4) Members shall be eligible for reappointment.

(5) Members shall serve without compensation.

(6) Vacancies resulting from the expiration of a term or any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.

§140.50.7. Organization, rules, staff

A. The commission shall elect its chairman from among its members. The term of the chairman shall be one year with eligibility for reelection. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, and the recorded vote of each member to be included, and each record shall be a public record.

B. The commission may appoint such employees and staff as it deems necessary for its work, and if for convenience, economy, or effectiveness in the administration of plans, ordinances, or other measures, such as zoning, the commission desires to delegate certain authority to its employees and staff to act in its behalf, it may do so when such authority is specified in the plan, ordinance or other measure.

C. The commission may contract with planners and other consultants for such services as it may require.

§140.50.8. Budget

The commission shall prepare an annual budget of its operating expenses, the total amount of which, exclusive of gifts, shall be within the total amounts appropriated for the purpose by the town council and the police jury. The municipality shall act as fiscal agent for the commission.

§140.50.9. Area of jurisdiction

The area of jurisdiction of the commission shall be the metropolitan planning area as defined in this Subpart. In its planning, the commission may take into consideration and may make plans for such other area as, in its judgment, bears relation to the metropolitan planning area, but the plans for such other area shall not have any legal or official status.

§140.50.10. Master plan

A. It is the function and duty of the commission to make and recommend to the town council and the police jury a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality.

B. The master plan, consisting of maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront developments, playgrounds, airports, and other public ways, grounds, places and spaces; the general location of public buildings, schools and school sites, and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, power, heat, light, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extensions, re-location, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density; the general location, character, layout, the extent of the neighborhood units and communities or groups of neighborhood units, of neighborhood and community centers; and of the general character, extent, and layout of the replanning of blighted districts and slum areas.

C. The commission may, from time to time, recommend amendments to extend or add to the plan.

§140.50.11. General purpose of the plan

In the preparation of the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the metropolitan planning area which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development.

§140.50.12. Adoption of master plan

A. The commission may recommend the adoption of the master plan as a whole, or, as the work of making the whole master plan progresses, may from time to time recommend a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan.

B.(1) The adoption of the plan or any part, amendment, or addition shall be by resolution carried by the affirmative vote of a majority of the town council, in the case of its applicability to the municipality, or by the police jury, in the case of its applicability to areas outside of the municipality.

(2) The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the town council or the police jury, and a copy of the plan or part thereof shall be certified to each of the following: the town council, the police jury, the Bossier Parish school board, and the clerk of court and recorder of the parish, who shall record such plan or part thereof on the conveyance records of the parish.

C. The plan or part thereof shall take effect after the date it has been adopted by the town council, in the case of its applicability to the municipality, or by the police jury, in the case of its applicability to areas outside the municipality.

§140.50.13. Miscellaneous powers of the commission

A. The commission may make reports and recommendations relating to the plan and development of the area within its jurisdiction to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.

B. The commission may recommend to the executive or legislative officials of the municipality and parish, and to other public or semi-public boards, commissions, agencies, or other bodies, programs for public improvements and the financing thereof. All public officials shall, upon request, make available to the commission, within a reasonable time, such available information as it may require for its work.

C. Members and employees of the commission, in the performance of their functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

D. The commission shall have such additional powers as granted by ordinances adopted by the town council or the police jury, as the case may be.

§140.50.14. Legal status of plan

A. After adoption of the master plan or any part thereof, no street, park, or any public way, ground, place, or space, no public building or structure, school or school site, and no public utility, whether publicly or privately owned, shall be constructed or authorized in the area of the adopted plan until and unless the location and extent thereof has been submitted to and approved by the commission; in the case of disapproval, the commission shall communicate its reasons to the town council or police jury, as appropriate, and the town council or police jury, by a vote of not less than two-thirds of its entire membership, shall have the power to overrule such disapproval and, upon such overruling, the town council, police jury, or the appropriate board or officer shall have the power to proceed. However, if the public way, ground, place, space, building, structure, school or school site, or utility be one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the town council or police jury or other body or official of the municipality or of the parish, then the submission to the commission shall be by the board or official having such jurisdiction, and the commission's disapproval may be overruled by such board by a vote of not less than two-thirds of its entire membership or by such official.

B. The acceptance, widening, removal, extension, relocation, narrowing,

vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The secretary of the commission or his deputy shall issue a receipt showing the date, time, and sufficient description to identify any document submitted to it for approval.

C. The failure of the commission to act within sixty days from the date of official filing shall be deemed approval, unless a longer period be granted by the town council, police jury, or other submitting agency or official, provided that the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street, or other public way, ground, place, property, or structure by the police jury or by the town council, as the case may be, need not be submitted for approval by the commission unless in conflict with such master plan.

§140.50.15. Effective date

A. In creating a commission pursuant to this Subpart, the town council and the police jury shall, by mutual agreement, designate the date upon which the powers, duties, and authority of the commission shall take effect. Until such time, the planning commission for the town for Haughton shall be continued with all its powers and duties, and by the designated date, the planning commission for the town of Haughton shall turn over to the commission all of its records, plans, studies, or other instruments of its work and planning.

B. Upon the designated date, the powers of the planning commission for the town of Haughton in conflict with the provisions of this Subpart shall cease to exist; however, such plans or parts thereof as have been lawfully adopted by the planning commission for the town of Haughton, including but not limited to the subdivision regulations, major street plan, and zoning plan, shall continue in effect and shall be administered by the commission until repealed or replaced by the commission in accordance with this Subpart.

§140.50.16. Commission as platting authority

After the commission has recommended and the town council and the police jury have adopted a master plan in whole or in part, no plat of a subdivision of land lying within the area covered by such plan shall be filed or recorded until it has been submitted to and approved by the commission and such approval entered in writing on the plat by the secretary of the commission. The clerk of court and recorder shall not file or record a plat of a subdivision without the approval of the commission as required by this Subpart; a plat of a subdivision filed or recorded without the approval of the commission as required by this Section is void.

§140.50.17. Subdivision regulations

A. In exercising the powers granted to it by this Subpart, the commission shall recommend regulations governing the subdivision of land within the metropolitan planning area. Such regulations may provide for the harmonious development of the metropolitan planning area; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the master plan or official map of the metropolitan planning area; for adequate open spaces for traffic, recreation, light and air; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

B. Such regulations may include requirements as to the extent to which and the manner in which streets shall be graded and improved and water, sewer, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for the tentative approval of the plat previous to such improvement and installation, but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for the securing to the municipality and the parish, as appropriate, the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bond, and the town council and the police jury are hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

C. Such regulations may provide, in lieu of the completion of such work and installations previous to the final approval of a plat, for an assessment or other method whereby the municipality or parish, as appropriate, is put in an assured position to do such work and make such installations at the cost of the owners of the property within the subdivision.

D. Before recommending its subdivision regulations or any amendments thereto, the commission shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality and in the parish; certified copies of these regulations shall be filed with the town council, police jury, and the clerk of court. The commission shall then present its recommendation for subdivision regulations to the town council or the police jury for adoption by the town council or the police jury, as the case may be.

§140.50.18. Procedure on subdivision plats; appeals

A.(1) The secretary of the commission or his deputy shall issue a receipt showing the date, time, and sufficient description to identify any plat submitted to it for approval.

(2) The commission shall approve or disapprove the plat within sixty days thereof, otherwise the plat shall be deemed to be approved and a certificate to that effect shall be issued by the commission on demand; however, the applicant for commission approval may waive this requirement and consent to the extension of such period.

(3) The ground of disapproval of any plat shall be stated upon the records of the commission, with the recorded vote of each member included in the records.

(4) No plat shall be disapproved by the commission without affording a hearing thereon.

B. Any applicant or other person may appeal commission approval or disapproval of a subdivision plat to the town council or the police jury, as the case may be, under such procedures and provisions as shall be established in the subdivision regulations.

§140.50.19. Effect of plat approval on status of dedications

The approval of a plat by the commission shall not be deemed to constitute or affect any acceptance by the municipality or parish or public body of the dedication of any street or other ground shown upon the plat.

§140.50.20. Penalties for transferring lots in unapproved subdivisions

A. If the owner or the agent of the owner of any land located within the area covered by the adopted plan transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the commission and recorded in the office of the clerk of court and recorder of the parish, he shall be subject to a penalty of one hundred dollars for each lot so transferred or sold or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

B. The municipality or parish, as appropriate, through its attorney or other designated official, may enjoin such transfer of sale or agreement by action for injunction or may recover the penalty by civil action.

§140.50.21. Acceptance of and improvements in unapproved streets

After the adoption of a master plan, in whole or in part, as provided in R.S. 33:140.50.16, the municipality or parish or other public body shall not accept, lay out, open, improve, grade, pave, or light any street within the area covered by the adopted plan, in conflict with the plan unless such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the adoption of a master plan, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by such commission or on a street plat made by and adopted by such commission. However, the town council or, in the case of a street outside of the municipality, the police jury may locate and construct or may accept any other street if the ordinance or other measure for such location and construction or for such acceptance be first submitted to such commission for its approval, and if disapproved by the commission, be passed by not less than two-thirds of the entire membership of the town council or police jury, as appropriate. A street approved by the commission upon such submission, or constructed or accepted by such two-thirds vote after disapproval by the commission, shall have the status of an approved street as fully as though it has been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission.

§140.50.22. Building permits

After the commission has recommended to the town council and the police jury and the town council or police jury has adopted in whole or in part a building permit plan, including both the full text of a building permit ordinance and the map or maps showing the districts or zones in which building permits will be required, no building shall be erected in those areas without first having secured the required building permit.

§140.50.23. Platting of street lines by commission

After the commission has recommended and the town council and the police jury have adopted a master plan in whole or in part which includes at least a major street plan, or has progressed in its master planning to the state of the making and recommending a major street plan, the commission may make or cause to be made, from time to time, plats on which are indicated the locations of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The making or certifying of a plat by the commission shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

§140.50.24. Establishment of official map

A. After the town council and the police jury have adopted a master plan which includes at least a major street plan, or the commission has progressed in its master planning to the state of the making and recommending of a major street plan, and shall have certified a copy of such major street plan to the town council and one to the police jury, then the town council and the police jury may establish an official map of the municipality, in the case of the town council, and that part of the parish within the area included within the adopted plan but outside the municipality, in the case of the police jury.

B. The official map shall show the location of the streets existing and established by law as public streets. Such official map may also show the location of the lines of streets on plats of subdivisions which have been approved by the commission. The town council and the police jury shall certify the fact of the establishment of the official map to the clerk of court and recorder of the parish.

§140.50.25. Official map; additions and changes

The town council and the police jury may add to the official map, each in its own jurisdiction, by placing thereon, from time to time, the lines of streets in accordance with the plat of any subdivision approved by the commission. The town council and the police jury may make, from time to time, other additions to or modifications of the official map by placing thereon the lines of planned

new streets or street extensions, widenings, narrowings, or vacations. The placing of any street or street line upon the official map shall not, in or of itself, constitute or be deemed to constitute the opening or establishing of any street or the taking or accepting of any land for street purposes.

§140.50.26. Regulation of buildings in bed of mapped streets

A. For the purpose of preserving the integrity of the official map, the town council and the police jury may provide by general ordinance or other legislative action that no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map.

B. Any such ordinance or legislative act shall provide that the board of adjustment, as provided for in this Subpart, shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or that balancing the interest of the municipality or parish in preserving the integrity of the official map and the interest of the owner in the use and benefits of his property, the grant of such permit is required by considerations of justice and equity.

C. Before taking any such action, the board of adjustment shall hold a hearing thereon, at least ten days notice of the time and place of which shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. If the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character, and also the duration of the building, structure or part thereof to be permitted.

§140.50.27. Municipal improvements in streets; buildings not on mapped streets

A. Except in streets existing and established by law as public streets at the date of the establishment of the official map, no public water facilities, sewer, or other public utilities or improvements shall be constructed after such date in any street until such street is duly placed on the official map.

B. The town council and the police jury may provide by ordinance that no permit for the erection of any building shall be issued unless a street giving access to such proposed building existed and was established by law as a public street at the time of the establishment of the official map or shall have been duly placed on the official map in accordance with the provisions of R.S. 33:140.50.24 and R.S. 33:140.50.25; provided, however, that such ordinance shall contain provision whereby the applicant for such permit may appeal to the board of adjustment, hearing upon which appeal and notice of the time and place of which shall be published in a newspaper of general circulation in the city and parish, and such board shall have the authority to authorize such a permit, subject to such conditions as the board may impose, where the circumstances of the case do not require the proposed building to be related to the existing streets or to streets as shown on the official map and where the permit would not tend to distort or increase the difficulty of carrying out the official map of the master plan of the municipality.

§140.50.28. Grant of power

For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the town council and the police jury are hereby empowered, in accordance with the conditions and the procedures specified in this Subpart, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts or other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, civic activities, and other purposes, within the municipality, in the case of the municipality, and within that part of the parish within the metropolitan planning area but outside the municipality in the case of the parish.

§140.50.29. Zoning plan

A. If the commission recommends to the town council and to the police jury a zoning plan, including both the full text of a zoning ordinance and the map or maps, representing the recommendations of the commission for the regulation by districts or zones of the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, civic activities, and other purposes, then the town council and the police jury may exercise the powers granted for the purpose mentioned in R.S. 33:140.50.28 and may divide the municipality or that part of the parish within the metropolitan planning area outside the municipality, as the case may be, into districts or zones of such number, shape, and area as it may determine, and, for such purposes, may regulate the erection, construction, reconstruction, conversion, alteration, and uses of buildings and structures and the uses of land.

B. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

§140.50.30. Method of procedure

Before enacting the zoning ordinance or any amendment thereto, the town council or the police jury, as the case may be, shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the parish. The zoning ordinance, including the map or maps, may from time to time be amended;

but no amendment shall become effective unless it be first submitted to and approved by the commission, or, if disapproved, shall receive the favorable vote of not less than two-thirds of the entire membership of the town council or the police jury, as the case may be.

§140.50.31. Non-conforming uses

A. The lawful use of a building or premises exactly as such use existed at the time of the enactment of any regulation affecting it may be continued although such use does not conform with the provisions of such regulation. The town council or the police jury, as appropriate, may provide for the termination of non-conforming uses either by specifying the period or periods within which they shall be required to cease or by providing a formula or formulas whereby the compulsory termination of a non-conforming use shall be so fixed as to allow a reasonable period for the recovery or amortization of the investment in the non-conformance or with adequate compensation by a court of competent jurisdiction.

B. The town council or the police jury, as appropriate, may in its discretion provide by ordinance for the resumption, restoration, reconstruction, extension, or substitution of non-conforming uses upon such terms and conditions as may be set forth in the ordinance.

§140.50.32. Board of adjustment

A.(1) The zoning ordinances shall provide for a board of adjustment composed of five members. Two members shall be appointed by the town council, two members shall be appointed by the police jury, and one member shall be appointed jointly by the town council and the police jury.

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

(3) Members shall serve four-year terms after initial terms as provided in this Subsection. One member shall serve an initial term of one year, one member shall serve two years; one member shall serve three years, and two members shall serve four years, as determined by lot at the first meeting of the board of adjustment.

(4) Members shall be eligible for reappointment.

(5) Members shall serve without compensation.

(6) Vacancies resulting from the expiration of a term or any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.

B. The zoning ordinance may provide and specify general rules to govern the organization and procedure of such board of adjustment, which rules shall not be inconsistent with the provisions of this Subpart.

C.(1) The zoning ordinance may provide that the board of adjustment may permit special exemptions to the zoning regulations in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance.

(2) The ordinance may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

(3) The ordinance may further authorize the board of adjustment to grant a variance from the strict application of zoning regulations where other procedures for variance or modification are not specified in the zoning ordinance.

D. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the town or parish affected by any grant or refusal of a building permit or other act or decision of the building inspector or permit and zoning clerk of the municipality or parish or other administrative official based in whole or in part upon the provisions of any ordinance enacted under this Subpart.

E. The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying-out or enforcement of any provision of any ordinance enacted pursuant to this Subpart.

(2) To hear and decide, in accordance with the provisions of any such ordinance, request for special exceptions or for interpretations of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

(3) To hear and decide on requests for a variance from the strict application of the zoning regulations where no other procedure for obtaining relief is specified in the ordinance and where due to exceptional topographic conditions or other extraordinary and exceptional characteristics of a specific piece of property, the strict application of regulations would result in peculiar and exceptional or undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance.

§140.50.33. Enforcement and remedies

The town council and the police jury may provide for the enforcement of any ordinance enacted under this Subpart. A violation of any such ordinance is hereby declared a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building structure, or land is or is proposed to be used in violation of any ordinance enacted pursuant to this Subpart, the building inspector, permit and zoning clerk, municipal or parish counsel, or other appropriate authority of the municipality or of the parish, or any adjacent or neighboring property owner who would be specifically damaged by such

violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.

§140.50.34. Conflict with other laws

A. If regulations made pursuant to the authority of this Subpart require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or fewer number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other provision of state law, the regulations made pursuant to the authority of this Subpart shall govern.

B. If any other provision of state law requires a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made pursuant to the authority of this Subpart, the provisions of any such law shall govern.

§140.50.35. Existing zoning ordinances

Zoning ordinances of the town shall continue in effect until amended or repealed by ordinances enacted pursuant to the provisions of this Subpart.

§140.50.36. Grant of power

For the purposes of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare, the town council and the police jury are hereby empowered, in accordance with the conditions and procedures specified in this Subpart, to adopt housing codes prescribing minimum standards for the area, volume, light, air, ventilation, illumination, occupancy and density of occupancy, and sanitation of dwellings and dwelling places; to adopt building codes, plumbing codes, electrical codes and related measures to regulate the construction, reconstruction, alteration, extension, conversion, or maintenance of buildings; to regulate by building and housing codes or other measures or ordinances conditions of sanitation, including requirements for water supply and sewerage disposal and drainage; and to adopt such other ordinances, regulations, and plans as, in their judgment, are necessary to effect the rehabilitation of substandard dwellings and blighted areas within the municipality, in the case of the municipality, and within that part of the parish within the metropolitan planning area but outside the municipality, in the case of the parish; provided, however, that such codes, ordinances, plans or other measures may be adopted with respect only to such portion of the metropolitan planning area outside the municipality as, in the judgment of the police jury, is deemed necessary.

§140.50.37. Commission recommendations

The commission may prepare and recommend to the town council and the police jury for adoption such codes, ordinances, plans, or other measures as, in its judgment, may be necessary to accomplish the purpose of this Subpart.

§140.50.38. Method of procedure

Before adopting any code, ordinance, plan, or other measure pursuant to this Subpart, the town council or the police jury, as the case may be, shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality or in the parish, as the case may be.

§140.50.39. Enforcement and remedies

The town council and the police jury may provide, in their respective jurisdictions, for the enforcement of any code, ordinance, or other measure enacted under this Subpart. A violation of any such code, ordinance, or other measure is hereby declared a misdemeanor. In case any building or structure is or is proposed to be constructed, reconstructed, altered, extended, converted, or maintained in violation of any code or ordinance enacted under this Subpart, the building inspector, permit or zoning clerk, municipal or parish counsel, or other appropriate authority of the municipality or of the parish, or any adjacent or neighboring property owner who would be specifically damaged by such violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, extension, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building.

Approved by the Governor, June 03, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 76

HOUSE BILL NO. 566
BY REPRESENTATIVE GAROFALO
AN ACT

To enact R.S. 47:338.220, relative to the parish of St. Bernard; to authorize the governing authority of the parish to levy a hotel occupancy tax, subject to voter approval; to provide for the use of tax proceeds; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.220 is hereby enacted to read as follows:

§338.220. St. Bernard Parish; hotel occupancy tax; authorization

A.(1) In addition to any other tax levied and collected, the governing authority of St. Bernard Parish may levy and collect a tax upon the paid occupancy of hotel rooms located within the parish. The hotel occupancy tax shall not exceed three dollars per room per night.

(2) The word "hotel" as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. "Person" as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority of St. Bernard Parish shall impose the hotel occupancy tax by ordinance. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the parish voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate, including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the parish.

D. Except as provided in Subsection C of this Section, the parish governing authority shall use the proceeds of the tax to provide fire protection services within the parish.

Section 2. This Act shall become effective on July 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 03, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 77

SENATE BILL NO. 10

BY SENATORS WHITE, ALARIO, APPEL, BARROW, BOUDREAUX,
CARTER, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN,
GATTI, HENSGENS, HEWITT, JOHNS, LONG, LUNEAU, MARTINY,
MILKOVICH, MILLS, MIZELL, PEACOCK, PETERSON, PRICE, RISER,
GARY SMITH, JOHN SMITH, THOMPSON AND WALSWORTH AND
REPRESENTATIVES ADAMS, BERTHELOT, BILLIOT, BOURRIQUE,
DWIGHT, EDMONDS, FALCONER, GUINN, HORTON, JENKINS, JONES,
NORTON, PEARSON, POPE, PYLANT AND SCHEXNAYDER

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

AN ACT

To amend and reenact R.S. 11:2178(K) and (L) and to repeal R.S. 11:246(A)(7) and 2178(M), relative to permanent benefit increases for the Sheriffs' Pension and Relief Fund; to provide for clarification of language; 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. 11:2178(K) and (L) are hereby amended and reenacted to read as follows:

§2178. Disability benefits; retirement benefits; death benefits

* * *

K. The board of trustees is authorized to use earnings on investments of the fund in excess of normal requirements or funding deposit account credit balances as determined by the actuary and approved by the board of trustees, to provide a permanent benefit increase for retired and disabled members and survivors who have been receiving benefits from the fund for one full calendar year prior to the granting of the increase.

(1)(a) ~~The cost-of-living increase shall be in a monthly amount not less than two percent or more than three percent of the normal monthly benefit payable to the retiree, disability recipient, or survivor on the date the increase is granted, but shall not be less than twenty dollars per month. The permanent benefit increase shall be payable in a monthly amount not to exceed two and one-half percent of the normal monthly benefit payable to the retiree, disability recipient, or survivor on the date the increase is granted. The dollar amount of such increase for any recipient shall not exceed five percent of the average monthly benefit in payment to service retirees as of the end of the preceding fiscal year.~~

(b) The board of trustees is authorized to provide a permanent benefit increase to all retirees, disability recipients, and survivors who are at least sixty-five

years of age, which increase shall consist of an amount equal to two percent of the monthly benefit the member is receiving on the date the increase is granted.

(c) The board, in any one fiscal year, may provide a permanent benefit increase pursuant to either Subparagraph (a) or (b) of this Paragraph; however, it shall not grant permanent benefit increases pursuant to both of these Subparagraphs within the same fiscal year.

~~(b) (d) Notwithstanding any provision of this Subsection to the contrary, no cost-of-living permanent benefit increase shall be granted in any fiscal year pursuant to this Subsection if a cost-of-living permanent benefit increase has been granted pursuant to this Subsection in the immediately preceding fiscal year.~~

~~(e)(i) Any member who retires on or after July 1, 2006, and before July 1, 2007, and who has not attained the age of sixty years shall be subject to a two-year waiting period from the date of retirement to become eligible for a cost-of-living increase.~~

~~(ii) Any member who retires on or after July 1, 2007, and who has not attained the age of sixty years shall be subject to a three-year waiting period from the date of retirement to become eligible for a cost-of-living increase.~~

~~(iii) Notwithstanding Items (i) and (ii) of this Subparagraph, any member who is retired and who attains the age of sixty years subsequent to retirement shall be eligible for a cost-of-living increase after one full year from the member's sixtieth birthday.~~

~~(iv) Any member retiring on or after attaining the age of sixty years shall be eligible for a cost-of-living increase after one full calendar year from the date of retirement.~~

(e) Any member who has been retired for at least one year is eligible to receive a permanent benefit increase pursuant to the provisions of this Subsection if:

(i) The member has attained the age of sixty-one regardless of the date of retirement.

(ii) The member has not attained the age of sixty-one but has been retired for at least three years.

(2) A person receiving a benefit utilizing the provisions of R.S. 11:142 governing reciprocal recognition of service agreements shall be granted a cost-of-living adjustment **permanent benefit increase** based upon that portion of the creditable service attributable to this system.

(3) A person receiving a benefit, who becomes sixty-five years of age during the calendar year prior to the granting of a supplemental ~~cost-of-living adjustment~~ **permanent benefit increase** as provided in ~~R.S. 11:246 Subparagraph (1)(b) of this Subsection~~ for benefit recipients sixty-five years of age or older, shall receive a lump sum pro rata payment for the number of months he was sixty-five years of age prior to the granting of the ~~cost-of-living adjustment~~ **permanent benefit increase**, in addition to the monthly supplemental payment authorized by ~~R.S. 11:246 Subparagraph (1)(b) of this Subsection.~~

L. Death benefits terminated because of remarriage ~~as provided under the terms pursuant to the provisions~~ of this Section shall be due and payable to a widow if her **surviving spouse** if the subsequent marriage is terminated by death. Upon death of the second or subsequent spouse, the benefits shall be resumed; however, the benefits shall be suspended during the second or subsequent marriage.

* * *

Section 2. R.S. 11:246(A)(7) and 2178(M) are hereby repealed.

Section 3. This Act shall become effective on June 30, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 78

SENATE BILL NO. 16

BY SENATOR LONG

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

AN ACT

To amend and reenact R.S. 11:1152(F) and (G), 1312.1(D)(4), 2220(A), and 2221(F) and (H) through (L) and to enact R.S. 11:1312.1(E) and 2221(G) and (N), relative to lump-sum benefits of the Louisiana School Employees' Retirement System, the Louisiana State Police Retirement System, and the Municipal Police Employees' Retirement System; to provide relative to lump-sum distributions; to provide for transfers to a third-party investment services provider; to provide relative to contracts for a third-party provider; to provide relative to the rights, duties, and obligations of participants, providers, the system, and the state; 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. 11:1152(F) and (G), 1312.1(D)(4), 2220(A), and 2221(F) and (H) through (L) are hereby amended and reenacted and R.S. 11:1312.1(E) and 2221(G) and (N) are hereby enacted to read as follows:

§1152. Deferred Retirement Option Plan

* * *

F. (1) A person who participates in the plan shall not be eligible to receive a ~~cost-of-living~~ **permanent benefit** increase while participating, and shall not be eligible for a ~~cost-of-living~~ **permanent benefit** increase until the employment which made the person eligible to become a member of the system has been terminated for at least one full calendar year.

(2) The system shall maintain subaccounts within this account reflecting the credits attributed to each participant in the plan, but the monies in the account shall remain a part of the fund until disbursed to a participant in accordance with the plan provisions.

(3)(a) Interest shall not be credited to a participant's subaccount during the period of participation.

(b) With respect to any individual who was eligible to participate in the Deferred Retirement Option Plan prior to January 1, 2004, all amounts which remain credited to the individual's subaccount after termination of participation in the plan shall be credited with interest at the end of each plan year at a rate equal to the realized return on the system's portfolio for that plan year as certified by the system actuary in his actuarial report valuation, less one-half of one percent. **After June 30, 2019, any person covered by the provisions of this Paragraph may make an irrevocable election to transfer his subaccount to the self-directed program established pursuant to Paragraph (4) of this Subsection by agreeing in writing to the provisions of Subparagraph (4) (c) of this Subsection.**

(c) With respect to any individual who becomes eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, **and before July 1, 2019**, all amounts which remain credited to the individual's subaccount after termination of participation in the plan shall be placed in liquid asset money market investments at the discretion of the board of trustees. Such subaccounts may be credited with interest at the actual rate of return earned on such subaccount investments less one-fourth of one percent per annum; ~~or at~~.

(d)(i) **At the option of the system board of trustees, the funds amounts which remain credited to the individual's subaccount may be credited transferred to an account with a third-party provider subaccounts as herein established pursuant to the provisions of Paragraph (4) of this Subsection.**

(ii) **As soon as practicable after June 30, 2019, the board shall transfer all individual subaccounts established pursuant to Subparagraph (c) of this Paragraph to the stable value fund of the third-party provider selected in accordance with the provisions of Paragraph (4) of this Subsection.**

(c) **After his subaccount has been transferred to the stable value fund, any person covered by the provisions of this Paragraph may make an irrevocable election to participate in the self-directed portion of the program established pursuant to Paragraph (4) of this Subsection by informing the board of his election to do so and agreeing in writing to the provisions of Subparagraph (4)(c) of this Subsection.**

(a) The contributing period shall mean that time period when funds are being credited to the participant's subaccount which is maintained by the system.

(b) After the contributing period ends, the balance of the subaccount then may be transferred to a self-directed subaccount, which shall be known as the investment period. Both subaccounts shall be within the Deferred Retirement Option Plan established herein. Management of the funds shall be by the system during the contributing period. When the funds are transferred to the self-directed subaccount for the investment period, the system is authorized to hire a third-party provider. The third-party provider shall act as an agent of the system for purposes of investing balances in the self-directed subaccounts of the participant as directed by the participant. The participant shall be given such options that comply with federal law for self-directed plans.

(c) The participant in the self-directed portion of this plan agrees that the benefits payable to the participant are not the obligations of the state or the system, and that any returns and other rights of the plan are the sole liability and responsibility of the participant and the designated provider to which contributions have been made. Furthermore, each participant, in accordance with this provision, shall expressly waive his rights as set forth in Article X, Section 29(A) and (B) of the Louisiana Constitution as it relates to his subaccount in the self-directed portion of the plan. By participating in the self-directed portion of the plan, the participant agrees that he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code. The participant also agrees that if any violation of the Internal Revenue Code occurs as a result of the participant's participation in the self-directed portion of the plan, it shall be the sole responsibility and liability of the participant and the provider, not the state or the system. There shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or its agents or employees, for any action taken by the participant for choices the participant makes in relationship to the funds in which he chooses to place his subaccount balance.

(4)(a) **The board of trustees shall select a third-party provider to administer a self-directed investment program for Deferred Retirement Option Plan subaccounts. As provided in Item (3)(d)(ii) of this Subsection, the board shall transfer the existing money market subaccounts to the third-party provider as soon as practicable after June 30, 2019.**

(b) **The third-party provider selected shall act as an agent of the system for the purpose of investing the balance in the self-directed subaccount of the participant as directed by the participant. The participant shall be given investment options that comply with federal law for self-directed plans; however, the provider shall have as an investment option a stable value fund that preserves the participant's principal.**

(c) **By participating in the self-directed portion of the program, the participant**

agrees to all of the following:

(i) **That he expressly waives his rights protected by the Constitution of Louisiana relative to the interest earned by his Deferred Retirement Option Plan account.**

(ii) **That he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code and that he and the provider, and not the state or the system, bear the sole responsibility and liability for any violation of the Internal Revenue Code that occurs as a result of his participation in the self-directed portion of the program.**

(iii) **That there shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or its agents or employees, for any action taken by the participant for choices he makes in relation to the investments in which he chooses to place his account balance.**

(iv) **The benefits payable to the participant are not the obligation of the state or the system, and any returns and other rights of the plan are the sole liability and responsibility of the participant and the provider.**

(5)(a) **With respect to any individual who becomes eligible to participate in the Deferred Retirement Option Plan on or after July 1, 2019, by participating in the plan, he expressly agrees to the provisions of Subparagraph (4)(c) of this Subsection.**

(b) **All amounts which remain credited to the individual's subaccount after termination of participation in the plan shall be transferred to the stable value fund of the third-party provider.**

G. Upon termination of participation in both the plan and employment, a participant shall:

(1) At the participant's option, receive either a ~~lump sum~~ **lump-sum** payment from the account equal to the amount then credited to his individual subaccount; or disbursements based on his individual subaccount in any manner approved by the board.

(2) Begin to receive regular monthly retirement benefits based on the option selected at the time of election to participate in the plan, as adjusted pursuant to Subsection J of this Section.

* * *

§1312.1. Back-Deferred Retirement Option Program

D.(1)

* * *

(4) The Back-DROP lump sum shall, at the member's election, be distributed to the member or paid into ~~transferred to~~ an individual account and placed in liquid asset money market ~~for self-directed investments as further provided in Subsection E of this Section.~~ Such account shall be credited with interest at the actual rate of return earned on such account balance investments.

* * *

E.(1) In lieu of receiving a lump-sum benefit payment as provided in Paragraph (D)(4) of this Section, the member may elect to transfer the lump-sum payment into a self-directed account managed by a third-party provider.

(2) **The board may hire a third-party provider to manage the self-directed accounts authorized by this Subsection. The third-party provider shall act as an agent of the system for purposes of investing balances in the self-directed accounts of the participants as directed by the participants. The participants shall be given investment options that comply with federal law for self-directed plans; however, the provider shall have as an investment option a stable value fund that preserves the participant's principal.**

(3) **By electing to participate in the self-directed plan, the Back-DROP participant expressly waives his rights as set forth in Article X, Section 29 of the Constitution of Louisiana as they relate to the benefit in his Back-DROP account. Any participant who elects to transfer the lump-sum Back-DROP payment into a self-directed account agrees to all of the following:**

(a) **That the benefits payable to the participant are not the obligation of the state or the system and that any returns and other rights of the participant in the account are the sole liability and responsibility of the participant and the provider to which the lump sum has been transferred.**

(b) **That he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code.**

(c) **That if any violation of the Internal Revenue Code occurs as a result of the participant's decision to transfer his Back-DROP lump-sum payment into a self-directed account, it shall be the sole responsibility and liability of the participant and the provider and not of the state or the system.**

(4) **There shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or the agents or employees of the state or the system for any action taken by the participant or for choices the participant makes in relation to the investment options in which he chooses to place his account balance.**

* * *

§2220. Benefits; contribution limit

A. Eligibility for normal retirement, early retirement, and limitations.

(1)(a) Any member of this system who has completed at least twenty-five years of **creditable** service regardless of age, or any member who has completed at least twenty years of **creditable** service and has attained the age of fifty years, or any member who has completed at least twelve years of **creditable** service and has attained age fifty-five, shall be entitled to retire from service and upon such retirement shall be paid a retirement allowance equal to three and one-third percent of his average final compensation multiplied by his years of creditable service not to exceed one hundred percent of his average final compensation.

(b) Any member who has completed twenty or more years of creditable service, and who leaves employment covered by the Municipal Police Employees' Retirement System before attaining age fifty, shall be entitled

to a retirement benefit beginning at age fifty. However, any member who has completed twenty years of creditable service shall be entitled to elect early retirement and receive an actuarially reduced retirement benefit. ~~This provision~~ **The provisions of this Subparagraph** shall not be construed to relieve any municipality of the obligation under any merger agreement of paying benefits to merged members until the attainment of eligibility for normal or early retirement in this system. Additionally, any member retiring ~~under this provision~~ **pursuant to the provisions of this Subparagraph** shall not be eligible for a cost-of-living adjustment until one full fiscal year after attaining normal retirement eligibility as ~~set out~~ **provided** in Subparagraph (1)(a) of this Subsection, nor shall the member be eligible to participate in the Deferred Retirement Option Plan.

(c) Any member who has completed twelve years of creditable service, and who leaves employment covered by the Municipal Police Employees' Retirement System before attaining age fifty-five, shall be entitled to a retirement benefit beginning at age fifty-five.

(d) Any member of this system who has received free prior service credit in this system must have been a contributing member of this system for at least one year prior to being eligible for a regular retirement benefit.

~~(e)~~**(2)(a)** Regardless of age, if a retiree of this system becomes an employee as defined in R.S. 11:2213, payment of retirement benefits shall be suspended and the employee and employer shall contribute to the system toward creditable service.

~~(f)~~**(b)** Upon termination of employment, the monthly benefit which had been suspended shall resume being paid to the retiree. ~~The retiree may not change the option which was elected under the original retirement computation.~~

~~(g)~~ Upon termination of employment, the retiree shall receive an additional retirement benefit based on his additional service rendered since reemployment using the normal method of computation of benefits or as provided in Subparagraph ~~(h)~~**(c)** of this Paragraph, subject to the following:

(i) If the period of additional service was ~~less than thirty-six months~~ **shorter than his average final compensation period**, the average final compensation figure used to calculate the additional benefit shall be that used to calculate his original benefit.

(ii) If the period of additional service was ~~thirty-six or more months~~ **equal to or longer than his average final compensation period**, the average final compensation figure used to calculate the additional benefit shall be based on his average compensation earned during the period of additional service.

(iii) The option used shall be that applicable to the original benefit. **The retiree may not change the option which was elected under the original retirement computation.**

(iv) The additional benefit shall not exceed an amount which, when combined with the original benefit, equals one hundred percent of the average final compensation figure used to compute the additional benefit.

(v) If the member dies or acquires a disability during the period of additional service, he shall be considered as having retired **terminated employment** on the date of death or commencement of disability.

(vi) In no event shall an employed retiree who becomes reenrolled in the system ~~under~~ **pursuant to** the provisions of this Section be allowed to participate in the deferred retirement option plan **Deferred Retirement Option Plan**.

~~(h)~~ **(c)** Initial benefit option:

(i) The retiree may elect to receive the additional retirement benefit payable pursuant to Subparagraph ~~(g)~~ **(b)** of this Paragraph as an initial benefit plus a reduced monthly retirement allowance equal to the actuarially equivalent amount of his maximum additional retirement benefit.

(ii) The initial benefit, as elected by the retiree, shall not exceed an amount equal to thirty-six payments of his maximum additional retirement benefit.

(iii) The retiree, at his option, shall receive the initial benefit **provided pursuant to this Subparagraph** as a lump-sum payment, or it shall be placed in a liquid asset money market **an** investment account established **and administered** in accordance with the same procedures set forth in R.S. 11:2221 **based on the establishment date of the retiree's investment account**.

(iv) The additional benefit received by the retiree and the beneficiary or survivor shall be actuarially reduced by a prorated amount calculated to offset the cost of the initial benefit payment.

(v) Cost-of-living adjustments shall not be payable on the retiree's initial benefit.

~~(2)~~**(3)** When any municipality merges its active members into the system, the persons merged shall not be eligible to receive a benefit from the system until one year after the effective date of the merger. However, if a member who is merged into the system; would normally be eligible to retire based on his age and total years of **creditable** service **credit**, prior to one year after the merger, he may retire, and the benefits shall be the obligation of the municipality until one year after the date of the merger.

* * *
§2221. Deferred Retirement Option Plan
* * *

~~F.~~**(4)** A person who participates in this **program plan** shall not be eligible to receive a cost-of-living **increase adjustment** while participating and shall not be eligible until his employment which makes him eligible to be a member of this system has been terminated for at least one full fiscal year.

~~(2)~~**G.(1)** With respect to any individual who was eligible to participate in the Deferred Retirement Option Plan prior to January 1, 2004, after a person terminates his participation in this **program plan**, his individual account balance in the plan shall earn interest at a rate of one-half of one percent

below the percentage rate of return of the system's investment portfolio as certified by the actuary in his yearly ~~evaluation~~ **valuation** report, said interest to be credited to his individual account balance on an annual basis. **After June 30, 2019, any person covered by the provisions of this Paragraph may make an irrevocable election to transfer his account to the self-directed program established pursuant to Paragraph (4) of this Subsection by agreeing in writing to the provisions of Subparagraph (4)(c) of this Subsection.**

(2)(a) With respect to any individual who becomes eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, **and before July 1, 2019**, except as provided in Subparagraph ~~(d)~~**(b)** of this Paragraph **and Paragraph (3) of this Subsection**, all amounts which remain credited to the individual's ~~subaccount~~ **account** after termination of participation in the plan shall be placed in liquid asset money market investments at the discretion of the board of trustees. Such account ~~balances~~ **balance** may be credited with interest at the actual rate of return earned on such account balance investments less one-fourth of one percent per annum; ~~or at~~

(b)(i) At the option of the system **board of trustees**, the funds **amounts which remain credited to the individual's account** may be credited **transferred** to subaccounts ~~as herein~~ **an account with a third-party provider** established: **pursuant to the provisions of Paragraph (4) of this Subsection.**

(ii) As soon as practicable after June 30, 2019, the board shall transfer all individual accounts established pursuant to this Paragraph to the stable value fund of the third-party provider selected in accordance with the provisions of Paragraph (4) of this Subsection.

(c) After his account has been transferred to the stable value fund, any person covered by the provisions of this Paragraph may make an irrevocable election to participate in the self-directed portion of the program established pursuant to Paragraph (4) of this Subsection by informing the board of his election to do so and agreeing in writing to the provisions of Subparagraph (4)(c) of this Subsection.

(a) The contributing period shall mean that time period when funds are being credited to the participant's subaccount which is maintained by the system.

(b) After the contributing period ends, the balance of the subaccount then may be transferred to a self-directed subaccount, which shall be known as the investment period. Both subaccounts shall be within the Deferred Retirement Option Plan established herein. Management of the funds shall be by the system during the contributing period. When the funds are transferred to the self-directed subaccount for the investment period, the system is authorized to hire a third party provider. The third party provider shall act as an agent of the system for purposes of investing balances in the self-directed subaccounts of the participant as directed by the participant. The participant shall be given such options that comply with federal law for self-directed plans.

(c) The participant in the self-directed portion of this plan agrees that the benefits payable to the participant are not the obligations of the state or the system, and that any returns and other rights of the plan are the sole liability and responsibility of the participant and the designated provider to which contributions have been made. Furthermore, each participant, in accordance with this provision, shall expressly waive his rights as set forth in Article X, Section 29(A) and (B) of the Louisiana Constitution as it relates to his subaccount in the self-directed portion of the plan. By participating in the self-directed portion of the plan, the participant agrees that he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code. The participant also agrees that if any violation of the Internal Revenue Code occurs as a result of the participant's participation in the self-directed portion of the plan, it shall be the sole responsibility and liability of the participant and the provider, not the state or the system. There shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or its agents or employees, for any action taken by the participant for choices the participant makes in relationship to the funds in which he chooses to place his subaccount balance.

~~(d)~~**(3)(a)(i)** Notwithstanding any provision of this Paragraph **(2) of this Subsection** to the contrary, any individual who became or becomes eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, **and before July 1, 2019**, may make an irrevocable written election to waive his rights as protected by the Constitution of Louisiana relative to the interest earned by his Deferred Retirement Option Plan account. For any such person who makes such an irrevocable election, upon termination of participation in the plan, his individual account balance in the plan shall earn interest at a rate of one-half of one percent below the percentage rate of return of the system's investment portfolio for each fiscal year as certified by the system's actuary in the ~~actuarial~~ **his yearly valuation** report. However, by making such an election, the person shall expressly acknowledge that his account shall be debited in the event the system's investment portfolio experiences a rate of return of less than a positive one-half of one percent, ~~or including~~ a negative earnings rate. The member shall further expressly acknowledge his consent to having the value of his account balance permanently reduced as a result of the devaluation of system assets caused by such a rate. As a precondition of making this election, the member shall expressly acknowledge his understanding of the possibility of such account reductions. If an account is required to be debited and insufficient monies are available in the account for this purpose, the member's monthly retirement benefit shall be suspended or reduced until such time as such debit has been recouped in full by the system.

(ii) The provisions of this Subparagraph shall apply prospectively only, beginning July 1, 2008, **and shall terminate June 30, 2019**. Any member who participated in the Deferred Retirement Option Plan between January 1, 2004, and the effective date of this Subparagraph may make the election authorized

by this Subparagraph only within sixty days after the effective date of this Subparagraph. Any member who becomes eligible for participation in the Deferred Retirement Option Plan after the effective date of this Subparagraph, may only make the election authorized herein prior to participation in the plan.

(iii)(b) Any individual who does not elect to waive his rights pursuant to this Subparagraph (a) of this Paragraph shall continue to be governed by the provisions of this Subsection which are otherwise applicable to individuals who became or becomes ~~become~~ eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, ~~and before July 1, 2019.~~

(iv)(c) The board of trustees may make, alter, amend, and promulgate rules necessary for the implementation and administration of this Subparagraph Paragraph.

(d) ~~After June 30, 2019, any person covered by the provisions of this Paragraph may make an irrevocable election to transfer his account to the self-directed program established pursuant to Paragraph (4) of this Subsection by agreeing in writing to the provisions of Subparagraph (4)(c) of this Subsection.~~

(4)(a) ~~The board of trustees shall select a third-party provider to administer a self-directed investment program for Deferred Retirement Option Plan accounts. As provided in Item (2)(a)(ii) of this Subsection, the board shall transfer the existing money market accounts to the third-party provider as soon as practicable after June 30, 2019.~~

(b) ~~The third-party provider selected shall act as an agent of the system for the purpose of investing the balance in the self-directed account of the participant as directed by the participant. The participant shall be given investment options that comply with federal law for self-directed plans; however, the provider shall have as an investment option a stable value fund that preserves the participant's principal.~~

(c) ~~By participating in the self-directed portion of the program, the participant agrees to all of the following:~~

(i) ~~That he expressly waives his rights protected by the Constitution of Louisiana relative to the interest earned by his Deferred Retirement Option Plan account.~~

(ii) ~~That he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code and that he and the provider, and not the state or the system, bear the sole responsibility and liability for any violation of the Internal Revenue Code that occurs as a result of his participation in the self-directed portion of the program.~~

(iii) ~~That there shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or its agents or employees, for any action taken by the participant for choices he makes in relation to the investments in which he chooses to place his account balance.~~

(iv) ~~The benefits payable to the participant are not the obligation of the state or the system, and any returns and other rights of the plan are the sole liability and responsibility of the participant and the provider.~~

(5)(a) ~~With respect to any individual who becomes eligible to participate in the Deferred Retirement Option Plan on or after July 1, 2019, by participating in the plan, he expressly agrees to the provisions of Subparagraph (4)(c) of this Subsection.~~

(b) ~~All amounts which remain credited to the individual's account after termination of participation in the plan shall be transferred to the stable value fund of the third-party provider.~~

H. ~~Upon termination of employment at the end of the specified period of participation, a participant in the program plan may keep his funds on deposit until he chooses to withdraw them. When the participant elects to make a withdrawal from his account, he shall receive, at his option, a lump-sum lump-sum payment of from the account equal to the payments to the account balance, a partial lump-sum payment from the account, or a true annuity based upon his account, or he may elect any other method of payment if approved by the board of trustees. The monthly benefits that were being paid into the fund account during the period of participation shall begin being paid to the retiree.~~

I. ~~(1)(a) If a participant dies during the period of participation in the program, and he selected an optional allowance designating his spouse as beneficiary, such beneficiary plan, the following shall apply:~~

(a) ~~If the participant's designated beneficiary of the plan account is the participant's surviving spouse, and:~~

(i) ~~The surviving spouse will not receive a monthly survivor annuity because of the participant's death, then the surviving spouse shall receive a lump-sum payment of the participant's account balance within ninety days of the death of the participant.~~

(ii) ~~The surviving spouse will receive a monthly survivor annuity because of the participant's death, then the surviving spouse may elect to keep the funds on deposit until the spouse elects to withdraw the funds. Upon such election to withdraw, the surviving spouse shall receive, at the surviving spouse's option of the beneficiary a lump-sum a lump-sum payment of the participant's account balance, a partial lump-sum payment thereof, or a true annuity based upon the account balance, or the beneficiary surviving spouse may elect any other method of payment approved by the board of trustees as if the participant had retired on the date of death; in addition, the normal benefits payable to the designated beneficiary under the option selected shall be payable. The surviving spouse may designate a beneficiary, who will be required to receive a lump-sum payment of the surviving spouse's account balance within ninety days of the death of the surviving spouse.~~

(b) ~~In the event If the participant's designated beneficiary of the plan account is not other than the participant's surviving spouse, and is entitled to monthly benefits under the option selected, such:~~

(i) ~~The beneficiary will not receive a monthly survivor annuity because of the participant's death, then the beneficiary shall receive a lump-sum payment of the participant's account balance within ninety days of the death of the participant.~~

(ii) ~~The beneficiary will receive a monthly survivor annuity because of the participant's death, then the beneficiary shall receive, at his option, a lump sum payment of the participant's account balance or he may elect to receive the participant's plan account balance in the account under any method that will cause a total distribution of the account over a period not to exceed five years; in years, whether by lump-sum payment of the participant's account balance, or partial lump-sum payments, or other substantially equal payments. In addition, the normal benefits payable to the designated beneficiary under the option selected shall become payable. The designated beneficiary may designate a beneficiary, who will be required to receive a lump-sum payment of the designated beneficiary's account balance within ninety days of the death of the designated beneficiary.~~

(c) ~~If a participant whose account is not invested with the third-party provider pursuant to Paragraph (F)(4) of this Subsection dies after June 30, 2019, while participating in the plan and the designated beneficiary of his plan account balance is not required to withdraw that account balance in a lump-sum, the account balance shall be transferred to the stable value fund of the self-directed program unless the beneficiary elects to invest some or all of the account balance in the self-directed portion of the program pursuant to the requirements set forth in Paragraph (G)(4) of this Section.~~

(e)(d) ~~If there is no designated beneficiary, a lump-sum lump-sum payment of the participant's account balance shall be paid to his estate.~~

(2)(a) ~~If a participant terminates employment prior to the end of the specified period of participation he shall receive, at his option, a lump-sum lump-sum payment from the account equal to the payments to the account, balance in the account or a true annuity based upon his account balance, or he may elect any other method of payment if approved by the board of trustees.~~

(b) ~~The monthly benefits that were paid into the fund account during the period of participation shall begin being paid to the retiree.~~

J. ~~(4) If employment is not terminated at the end of the period specified for participation, payments into the account shall cease. Payment from the account shall not be made until employment is terminated; nor shall the monthly benefits being paid into the fund account during the period of participation be payable to the individual until he terminates employment.~~

(2) ~~Upon termination of employment a member shall receive, at his option, a lump-sum payment from the account equal to the payments to the account, or a true annuity based upon his account balance, or he may elect any other method of payment if approved by the board of trustees.~~

K. ~~The following shall also apply if employment is not terminated at the end of the period of participation:~~

(1) ~~If employment is not terminated at the end of the period specified for participation, he the participant shall resume active contributing membership in the system.~~

(2) ~~Upon termination of employment, the monthly benefits which were being paid to the fund account shall begin to be paid to him the participant. He may not change the option optional allowance which was originally selected pursuant to R.S. 11:2224 when he began participation in the plan.~~

(3) ~~Upon termination of employment, he shall receive an additional retirement benefit based on his additional service rendered since termination of participation in the fund plan, using the normal method of computation of benefit, subject to the following:~~

(a) ~~If his period of additional service was less than thirty-six months shorter than his average compensation period, the average final compensation figure used to calculate the additional benefit shall be that used to calculate his original benefit.~~

(b) ~~If his period of additional service was thirty-six or more months equal to or longer than his average final compensation period, the average final compensation figure used to calculate the additional benefit shall be based on his compensation during the period of additional service.~~

(c) ~~The option used shall be that applicable to the original benefit, as provided in Paragraph (2) of this Subsection.~~

(d) ~~The additional benefit shall not exceed an amount which, when combined with the original benefit, equals one hundred percent of the average final compensation figure used to compute the additional benefit.~~

(4)(a) ~~If he the participant dies or acquires a disability during the period of additional service, he shall be considered as having retired terminated employment on the date of death or commencement of disability.~~

(b) ~~In the event he dies, his designated beneficiary, or if none, his estate, shall receive payment from his account in accordance with the provisions of Subsection I of this Section.~~

L. ~~A retiree whose benefit has been suspended under pursuant to the provisions of R.S. 11:2220(A)(1)(e) 11:2220(A)(2)(a) shall not be eligible to participate in the deferred retirement option plan Deferred Retirement Option Plan.~~

* * *

~~N. The board of trustees shall promulgate rules in accordance with the Administrative Procedure Act to approve any other methods of payment authorized by but not expressly provided in this Section. Once promulgated, the rules shall be considered plan provisions for purposes of compliance with requirements of the Internal Revenue Code and associated regulations.~~

~~Section 2. This Act shall become effective on June 30, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2019, or on the day following such approval by~~

the legislature, whichever is later.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 79

SENATE BILL NO. 38
BY SENATOR ERDEY

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

AN ACT

To amend and reenact R.S. 37:2446.1(A), relative to hearing aid dealers; to provide for an increase in the number of required continuing education hours that may be taken online or by correspondence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2446.1(A) is hereby amended and reenacted to read as follows:

§2446.1. Continuing education requirement

A. ~~Beginning December 1, 2005, the~~ **The** board shall require all licensees applying for reinstatement or renewal of licenses to have completed fifteen hours of continuing education per year in courses approved by the board, which may consist of a maximum of ~~three~~ **seven** hours obtained through ~~Internet~~ **internet** or correspondence courses, in order to renew their license on January first of the following year. Each licensee shall submit documentation from any recognized professional or educational institution to the board as proof that each licensee has been exposed to new developments in the practice which have occurred since the prior issuance or renewal of such license.

* * *

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 80

SENATE BILL NO. 53
BY SENATOR JOHNS

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

AN ACT

To amend and reenact R.S. 40:1007(G), relative to prescription monitoring information; to provide for access to prescription monitoring information to certain queries from other states, territories, federal districts, and federal jurisdictions; to provide for limited use; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1007(G) is hereby amended and reenacted to read as follows:

§1007. Access to prescription monitoring information and audit trail information

* * *

G. The board may provide prescription monitoring information in response to queries from prescription monitoring programs, **electronic health information systems, and pharmacy information systems** located in other states, **territories, federal districts, and federal jurisdictions**, through its participation in a secure interstate data exchange system, ~~and the~~ **The prescription monitoring information made available pursuant to this Subsection** may be used ~~by these programs only~~ in a manner consistent with this Section.

* * *

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 81

SENATE BILL NO. 84
BY SENATORS ERDEY, APPEL, CARTER, CLAITOR, COLOMB, GATTI,
HEWITT, JOHNS, RISER, GARY SMITH AND THOMPSON AND
REPRESENTATIVES ADAMS, TERRY BROWN, CARPENTER, STEVE
CARTER, LARVADAIN, MARCELLE, PIERRE, POPE AND WHITE

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

AN ACT

To enact R.S. 48:345, relative to traffic control and regulation; to authorize the designation of a high-occupancy vehicle (HOV) lane on highways in the state highway system; to provide a definition of a "high-occupancy vehicle (HOV) lane"; to provide with respect to penalties for violation of unauthorized use

of an HOV lane; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:345 is hereby enacted to read as follows:

§345. Designation of a high-occupancy vehicle (HOV) lane on highways in the state highway system: penalty

A. The secretary or his designee may designate high-occupancy vehicle (HOV) lanes on any highway in the state highway system where adequate shoulders exist and may restrict the use thereof to vehicular traffic classified as a "high-occupancy vehicle (HOV)" to the extent he thinks it expedient that, in his judgment, is appropriate to provide travel time savings and to increase the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion. Nothing in this Section authorizes the secretary or his designee to designate an existing roadway or travel lane as a high-occupancy vehicle (HOV) lane.

B. For the purpose of this Section, the following words and phrases shall have the meaning respectively ascribed to them:

(1) "High-occupancy vehicle" means a passenger car, pickup truck, van, recreational vehicle, or a bus or other motorized passenger vehicle used for transporting persons such as a carpool or a vanpool vehicle used for ridesharing purposes and occupied by a driver and one or more passengers. A truck, tandem truck, tractor, truck-tractor, combination of vehicles, or commercial motor vehicle carrying or transporting freight, merchandise, or other property shall not be a high-occupancy vehicle.

(2) "High-occupancy vehicle (HOV) lane" means one or more lanes of a highway or an entire highway designated by traffic control devices where high-occupancy vehicles are given at all times, or at regularly scheduled times, a priority or preference over some or all other vehicles moving in the general stream of all highway traffic.

C. Any high-occupancy vehicle (HOV) lane designated pursuant to Subsection A of this Section may be used by a motorcycle, as defined in R.S. 32:1, without regard to the number of riders or passengers.

D. The department shall promulgate rules and regulations related to enforcement and penalties of the high-occupancy vehicle lanes. Notwithstanding any other law to the contrary, the rules and regulations shall be in accordance with the selected implementation method of the high-occupancy vehicle lanes.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 82

SENATE BILL NO. 87
BY SENATOR JOHN SMITH

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

AN ACT

To amend and reenact R.S. 22:1548(C) and to enact R.S. 22:1548(F), relative to the licensing of nonresident insurance producers; to require the maintenance of a home state license; to provide for termination of the nonresident license; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1548(C) is hereby amended and reenacted and R.S. 22:1548(F) is hereby enacted to read as follows:

§1548. Nonresident licensing

* * *

C. A nonresident producer who moves from one state to another state or a resident producer who moves from this state to another state shall file a change of address and provide certification from the new resident state within thirty days of the change of legal residence. **The change of address shall include the producer's current and prior addresses.** No fee or license application is required.

* * *

F. Except as provided in Subsection C of this Section, as a condition of continuation of a nonresident producer license issued pursuant to this Section, a nonresident producer shall maintain in good standing a current resident producer license in his home state. A nonresident producer license issued pursuant to this Section shall cease to be current or in good standing in this state, without further action by the commissioner, if the home state resident producer license ceases to be current or in good standing.

Section 2. This Act shall become effective on January 1, 2020.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 83

SENATE BILL NO. 103
BY SENATOR GARY SMITH

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

AN ACT

To amend and reenact R.S. 22:1924 (A)(1) and to enact R.S. 22:1693(F) and (G), and 1923(2)(o), relative to public adjusters; to provide for the crime of unauthorized public adjusting; to provide for fraudulent insurance acts committed by licensed public adjusters; to provide for criminal penalties; to provide for licensed public adjuster contracts; to provide for violations related to fees charged by licensed public adjusters; to define acts committed by licensed public adjusters as fraudulent insurance acts; to provide relative to public adjuster contracts; to provide relative to certain standards of conduct for licensed public adjusters; to provide for restitution to certain victims; to provide relative to records retention; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1924(A)(1) is hereby amended and reenacted and R.S. 22:1693(F) and (G), and 1923(2)(o) are hereby enacted to read as follows:

§1693. License required; **crime of unauthorized public adjusting**

* * *

F.(1) Any natural person who violates any provision of Subsection A or C of this Section shall be guilty of the crime of the unauthorized practice of public adjusting and shall be subjected to a term of imprisonment at hard labor for not more than two years or fined not more than one thousand dollars, or both.

(2) Any natural person who participates or assists any business entity in violating any provision of Subsection D of this Section shall be guilty of the crime of unauthorized practice of public adjusting and shall be subjected to a term of imprisonment at hard labor for not more than two years or fined not more than one thousand dollars, or both.

G. Any business entity that violates any provision of Subsection D of this Section shall be guilty of the crime of unauthorized practice of public adjusting for a business entity and shall be fined not more than five thousand dollars for each violation.

* * *

§1923. Definitions

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

* * *

(2) "Fraudulent insurance act" shall include but not be limited to acts or omissions committed by any person who, knowingly and with intent to defraud:

* * *

(o) Acts in violation of any of the following provisions of law related to public adjusters and public adjusting:

(i) R.S. 22:1693(B).

(ii) R.S. 22:1703.

(iii) R.S. 22:1704.

(iv) R.S. 22:1705.

(v) R.S. 22:1706.

* * *

§1924. Prohibited activities and sanctions

A.(1)(a) Any person who, with the intent to injure, defraud, or deceive any insurance company, or the Department of Insurance, or any insured or other party in interest, or any third-party claimant commits any of the acts specified in Paragraph (2) or (3) of this Subsection is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed five years, or a fine not to exceed five thousand dollars, or both, on each count.

(b) In addition to the criminal penalties provided in Subparagraph (a) of this Paragraph, the defendant shall make and payment of restitution to the victim or victim company of any insurance payments to the defendant that the court determines was were not owed and the costs incurred by the victim or victim company associated with the evaluation and defense of the fraudulent claim, including but not limited to the investigative costs, attorney fees, and court costs. However, if the amount of the benefit pursued that is the subject of the criminal act does not exceed one thousand dollars, the term of imprisonment shall not exceed six months, or the and any fine shall not exceed one thousand dollars, or both, on each count.

* * *

Section 2. This Act shall become effective on July 1, 2019.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 84

SENATE BILL NO. 104
BY SENATOR ERDEY
AN ACT

To amend and reenact R.S. 38:1759(B), relative to the board of commissioners of Gravity Drainage District No. 5 of Livingston Parish; to increase the membership of the board of commissioners; 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. 38:1759(B) is hereby amended and reenacted to read as follows:

§1759. Appointment and terms of commissioners

* * *

B. Notwithstanding the provisions of Subsection A of this Section, the board of commissioners of Gravity Drainage District No. 2 **and Gravity Drainage District No. 5** of Livingston Parish shall consist of seven members, subject to all other requirements of qualifications for office provided in Subsection A of this Section.

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

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 85

SENATE BILL NO. 106
BY SENATOR LAMBERT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the
Constitution of Louisiana.

AN ACT

To enact R.S. 30:2205(F), relative to the Hazardous Waste Site Cleanup Fund; to provide for liens by the state against immovable property for monies expended from the fund; to provide priority for the lien by the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2205(F) is hereby enacted to read as follows:

§2205. Hazardous Waste Site Cleanup Fund

* * *

F. The state shall have a lien or privilege against the immovable property for monies expended from the Site Cleanup Fund on the immovable property. The lien may be perfected against such property by filing a notice of lien containing the name of the current record owner and the legal description of the immovable property in the mortgage records of the parish in which the immovable property is located. Except as provided in this Subsection, the lien of the state, through the department, shall have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the property. As to all privileges, liens, encumbrances, or other security interests affecting the property that are filed or otherwise perfected before the filing of the notice of lien of the state authorized by this Section, such prior recorded security interests shall have priority over the state lien, but only to the extent of the fair market value that the property had prior to closure, assessment, or remedial action by the state, and prior recorded security interests shall be subordinate to the state lien for any amount in excess of the fair market value of the property prior to such closure, assessment, or remediation.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 86

SENATE BILL NO. 226
BY SENATOR BARROW
AN ACT

To amend and reenact R.S. 33:2740.9, relative to tax exemptions for certain special districts created to finance capital improvements; to provide for the creation of such districts; to authorize the levy of sales and use taxes and ad valorem taxes by the districts; to clarify the exemptions that will be in effect in such districts; to provide for public hearings and elections; to provide for retroactive and prospective application; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.9 is hereby amended and reenacted to read as follows:
§2740.9. ~~East Baton Rouge Parish~~ **Certain parishes**; special taxing districts; additional sales and use tax; ad valorem tax

A. The governing authority of ~~East Baton Rouge Parish~~ **a parish with a population of more than four hundred and forty thousand persons as established by the most recent federal decennial census** is hereby authorized to create within the parish one or more capital improvement districts which may contain all or any portion of the territory contained within the present boundaries of the parish. Each district created under the authority of this Section shall be created by ordinance of the governing authority of ~~East Baton Rouge Parish~~ **the parish** setting forth the area or areas of the parish to be included in the district. The governing authority of the parish shall be the governing authority for any district so created.

B.(1) In order to fund projects of capital improvement within any district created pursuant to the provisions of this Section, including but not limited to improvements to public roads, streets, and gravity drainage works, the governing authority of ~~East Baton Rouge Parish~~ **the parish**, as the governing

authority of the district, is hereby authorized to levy a sales and use tax not exceeding one percent within the district, **subject to an exemption for food for home consumption and prescription drugs, and** subject to the approval of a majority of the electors voting in the election who reside in the district.

(2) The tax shall be imposed by ordinance and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and storage for consumption, of tangible personal property, and upon the sales of services within the district, all as presently or hereafter defined in R.S. 47:301 through 317, **both inclusive, except that the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption, in the parish of food for home consumption, as defined in R.S. 47:305(D)(1)(n) through (r), and prescription drugs, as defined in R.S. 47:305(D)(1)(j), is hereby specifically exempted from the tax authorized by this Section.**

(3) This tax shall be in addition to all other taxes currently levied in ~~East Baton Rouge Parish~~ **the parish**, and, except where inapplicable, the procedure established by R.S. 47:301 through 317 shall be followed in the imposition, collection, and enforcement of the tax and procedural details necessary to be established to supplement the provisions of those Sections and to make said provisions applicable to the tax herein authorized shall be fixed in the ordinance imposing the tax.

C. In order to fund projects of capital improvement within any district created pursuant to the provisions of this Section, including but not limited to improvements to public roads, streets, and gravity drainage works, the governing authority of ~~East Baton Rouge Parish~~ **the parish**, is hereby authorized to levy an ad valorem tax on property located within the boundaries of the district, subject to the approval of a majority of the electors voting in the election who reside in the district.

D.(1) Prior to adoption of any ordinance levying a tax under the provisions of this Section, the governing authority of ~~East Baton Rouge Parish~~ **the parish** shall hold at least one public meeting to consider the proposed capital improvements and the tax or taxes to be levied to fund the improvements. Notice of the time and place of the meeting shall be published once a week in three different weeks in the official journal of the parish. At least fifteen days shall elapse between the first publication and the date of the meeting.

(2) At any time after the meeting the governing authority may call an election at which there shall be submitted to the qualified electors of the area within the district a proposition to authorize the imposition of the sales tax or the ad valorem tax, or both, including the capital improvements to be funded and the rate and duration of the tax, and a majority of those voting in the election shall have voted in favor of the proposition.

(3) The proposition may also include provisions authorizing the funding of the additional sales tax or the ad valorem tax into negotiable bonds or certificates of indebtedness payable solely from an irrevocable pledge and dedication of all or a portion of the proceeds of the tax or taxes, subject to the prior payment of the costs and expenses of administration and collection of the tax.

E. The proceeds of any tax authorized by and levied in accordance with the provisions of this Section shall be used exclusively for capital improvements within the district.

Section 2. The provisions of this Act relative to the sales and use tax exemptions for food and prescription drugs are intended to clarify that these items were always intended and believed to be exempt from taxation and therefore these provisions shall be applied retroactively as well as prospectively.

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

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 87

HOUSE BILL NO. 120
BY REPRESENTATIVE BOURRIQUE
AN ACT

To transfer any monies remaining in the Shrimp Trade Petition Account into the Shrimp Marketing and Promotion Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding the provisions of R.S. 56:305(H), the state treasurer shall transfer any monies remaining in the Shrimp Trade Petition Account into the Shrimp Marketing and Promotion Fund. Once transferred into the Shrimp Marketing and Promotion Fund, the monies shall be used only for the purposes outlined in law for the Shrimp Marketing and Promotion 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.

Approved by the Governor, June 03, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 88

HOUSE BILL NO. 7
BY REPRESENTATIVE DWIGHT
AN ACT

To enact R.S. 14:73.11, relative to communications; to create the crime of communication interference; to provide elements of the crime; to provide for criminal penalties; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:73.11 is hereby enacted to read as follows:

73.11. Communication interference

A. It shall be unlawful for any person to willfully or maliciously injure, destroy, obstruct, hinder, delay the transmission of, or interfere with any of the following communications:

(1) A communication that is operated or controlled by the state, its contractors, or its political subdivisions.

(2) A communication that is used or intended to be used for military or civil defense functions of the state.

(3) A communication that is controlled by any domestic or foreign corporation, limited liability company, or other legal entity created for the purpose of or engaged in generating, transmitting, providing, and distributing utilities or utility services to the public.

B. For purposes of this Section:

(1) "Communication" includes any radio, telegraph, telephone, electronic, satellite, or cable communication.

(2) "Utilities" or "utility services" includes services such as electricity, water, natural gas, steam, cable, or electronic communication systems.

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

(1) Any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for and by the state, for military or civil defense functions of the state, or for any private entity as described in Subsection A of this Section.

(2) An entity the security issues of which are subject to approval, control, regulation, or supervision by the federal government or any agency thereof under any other federal statute; an entity whose business is subject to regulation by the Federal Communications Commission; or any entity conducting or carrying on its business or operations in two or more states when engaged in the course and scope of their business activities.

(3) Member-owned electric cooperatives, municipally owned electric service providers, privately owned utilities, or investor-owned utilities regulated by the Louisiana Public Service Commission or the city council of New Orleans when engaged in the course and scope of their business activities.

D.(1) Any person convicted of a first offense of Subsection A of this Section shall be subject to a fine of not more than ten thousand dollars, imprisonment with or without hard labor for not more than ten years, or both.

(2) Any person convicted of a second or subsequent offense of Subsection A of this Section shall be subject to a fine of not more than ten thousand dollars, imprisonment with or without hard labor for not more than fifteen years, or both.

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 89

HOUSE BILL NO. 15
BY REPRESENTATIVE CARPENTER
AN ACT

To repeal R.S. 11:2259(B), relative to certain optional retirement benefits provided for in the Firefighters' Retirement System; to repeal provisions applicable to a person who marries after retiring.

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. 11:2259(B) is hereby repealed in its entirety.

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 90

HOUSE BILL NO. 20
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:1142(C), relative to members who withdraw from the Louisiana School Employees' Retirement System; to provide relative to the retirement contributions of such members; 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. 11:1142(C) is hereby amended and reenacted to read as follows:

§1142. Withdrawal from service; retirement allowance ~~at age sixty~~
* * *

C. Any member whose first employment making him eligible for membership in one of the state systems occurred on or after July 1, 2015, who has credit for ten five or more years of regular, full-time service may withdraw from service and elect to leave his accumulated contributions in the system, and upon reaching age sixty-two, he shall be eligible to receive a retirement allowance based on the credits he had at the time of his withdrawal from service.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 91

HOUSE BILL NO. 21
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:22(B)(4), 42(B)(3), and 103(B)(3)(e)(i) and to enact R.S. 11:2252(24), relative to actuarial funding of the Firefighters' Retirement System; to provide with respect to actuarial funding methods and amortization of unfunded accrued liabilities; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:22(B)(4), 42(B)(3), and 103(B)(3)(e)(i) are hereby amended and reenacted and R.S. 11:2252(24) is hereby enacted to read as follows:

§22. Methods of actuarial valuation established
* * *

B. The following funding methods shall be utilized to determine actuarially required contributions:

(4) Firefighters' Retirement System: ~~entry age normal~~, frozen initial liability.
* * *

§42. Unfunded accrued liabilities; amortization
* * *

B. The provisions of this Subsection shall be implemented and accomplished by the governing authorities of the state and statewide public retirement systems as follows:

(3) Firefighters' Retirement System. ~~The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(4), shall be amortized over a thirty-year period, commencing with fiscal year 1989-1990, with level dollar payments annually. Effective beginning with the 2019 valuation, the outstanding balance of the unfunded accrued liability, except unamortized merger bases, shall be frozen, combined, and reamortized over fifteen years with payments decreasing by one percent per year. All future actuarial experience gains and losses, contribution gains and losses, gains and losses arising from changes in benefits, and gains and losses arising from changes in assumptions, shall be included in the calculation of the normal cost through frozen initial liability funding method.~~
* * *

§103. Employer contributions; determination; statewide systems
* * *

B.

(3) The actuarially required employer contribution for each fiscal year shall be that dollar amount equal to the sum of:

(e) That fiscal year's payment, calculated as of the first of that fiscal year and projected to the middle of that fiscal year at the actuarially assumed interest rate, necessary to amortize changes in actuarial liability due to:

(i)(aa) ~~Except as otherwise provided by this Item, actuarial~~ Actuarial gains and losses, if appropriate for the funding method used by the system as specified in R.S. 11:22, for each fiscal year such payments to be calculated as level dollar amounts over a period of fifteen years from the fiscal year of

occurrence of each such actuarial gain or loss, such gains and losses to include any increases in actuarial liability due to governing authority granted cost of living increases.

* * *

§2252. Definitions

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by context, shall have the following meaning:

* * *

(24) "Accrued liability" shall mean the entry age normal accrued liability.

Section 2. The Louisiana State Law Institute is hereby authorized and requested to recodify the provisions enacted as R.S. 11:2252(24) in Section 1 of this Act to achieve its proper placement in the alphabetical order of definitions.

Section 3. This Act shall become effective on July 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 92

HOUSE BILL NO. 22
BY REPRESENTATIVE BACALA
AN ACT

To enact R.S. 11:2225(F), to provide relative to the earnable compensation of certain employees of the Baton Rouge Police Department who are members of the Municipal Police Employees' Retirement System; to provide for retirement benefits; to provide for actuarial certification of the cost of such benefits; to provide for repayment of associated costs paid by the system; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2225(F) is hereby enacted to read as follows:

§2225. Administration
* * *

F.(1) The following words and phrases, as used in this Subsection, shall have the following meanings:

(a) "Actuarial certification" means a certification, by the actuary designated pursuant to Paragraph (D)(1) of this Section, of the actuarial impact of including disputed overtime in the average final compensation of a Baton Rouge police officer. An actuarial certification shall be based on the assumptions in the system's most recent actuarial valuation approved by the Public Retirement Systems' Actuarial Committee.

(b) "Administrative expenses" means all expenses paid to vendors that are solely attributable to the initial actuarial certification or an actuarial certification.

(c) "Applicable interest" means interest to be computed using the actual market rates of return on system assets as certified in the system's actuarial valuation reports approved by the Public Retirement Systems' Actuarial Committee to the extent available. For periods where no such approved valuation exists, applicable interest shall be determined based on the most recent estimate of the system's composite market rate of return as certified by the system's investment consultant. For any periods where no estimate is available, the assumed rate of return utilized in the system's most recent Public Retirement Systems' Actuarial Committee approved actuarial valuation report shall be used.

(d) "Baton Rouge police officer" means any of the following:

(i) An active employee of Baton Rouge as of June 30, 2019, whose employment with Baton Rouge making him eligible for membership in the system occurred during the period beginning February 26, 2000, and ending December 31, 2017, and who does not obtain a refund of his accumulated contributions after December 31, 2017.

(ii) A member whose employment with Baton Rouge making him eligible for membership in the system occurred during the period beginning February 26, 2000, and ending December 31, 2017, who did not obtain a refund of the amount of his accumulated contributions after December 31, 2017, who has sufficient years of service credit established in the retirement system to receive a benefit upon obtaining the appropriate age under this Chapter, who ceased covered employment with Baton Rouge on or before June 30, 2019, and who leaves his accumulated contributions in the retirement system in order to receive a retirement benefit upon reaching the applicable age.

(iii) A former employee of Baton Rouge who is retired on June 30, 2019, or who is deceased and has a beneficiary receiving a survivor benefit on June 30, 2019, and whose employment with Baton Rouge making him eligible for membership in the system occurred during the period beginning February 26, 2000, and ending December 31, 2017.

(iv) "Baton Rouge police officer" does not mean an employee who was merged into the system pursuant to R.S. 11:2225(A)(11)(i), who, after being merged, obtained a refund of the amount of his accumulated contributions

and who, after December 31, 2017, returns to employment with Baton Rouge, or any retiree who received a refund of employee contributions paid on disputed compensation.

(e) "Disputed overtime" means compensation paid to a Baton Rouge police officer that does not qualify as earnable compensation under this Chapter but meets all of the following requirements:

(i) It was paid for work required in the employee's regular scope of duty.

(ii) It is compensation of the type on which the city of Baton Rouge, parish of East Baton Rouge, referred to in this Subsection as "Baton Rouge", was paying contributions to the system prior to January 1, 2018.

(f) "Initial actuarial certification" means a certification by the actuary designated pursuant to Paragraph (D)(1) of this Section of the actuarial impact of including disputed overtime in the average final compensation for all Baton Rouge police officers to whom a benefit was paid prior to July 1, 2019.

(2)(a) The average final compensation of a Baton Rouge police officer to whom a benefit was paid prior to July 1, 2019, shall include disputed overtime if on or before September 30, 2019, Baton Rouge provides the system with all data necessary for the initial actuarial certification, and the certification shows that the actuarial cost does not exceed the value of the contributions received by the system plus applicable interest.

(b) If the initial actuarial certification shows the actuarial cost exceeds the value of the contributions received by the system plus applicable interest, Baton Rouge shall pay to the system, within ninety days of the initial actuarial certification, the amount determined by the actuary designated pursuant to Paragraph (D)(1) of this Section that is necessary to offset the actuarial cost. If Baton Rouge fails to pay the amount necessary to offset the actuarial cost, the system shall notify the retiree or beneficiary of Baton Rouge's failure to pay and shall cease paying benefits based on disputed overtime until the system receives the amount necessary to offset the actuarial cost plus interest from Baton Rouge or from the state treasurer pursuant to Paragraph (6) of this Subsection.

(c) If any Baton Rouge police officer is omitted from the initial actuarial certification due to an administrative error, the actuary shall amend the initial actuarial certification within ninety days of the discovery of the omission.

(d) Prior to making the initial actuarial certification, the actuary designated pursuant to Paragraph (D)(1) of this Section and an actuary hired by Baton Rouge shall agree, in writing, on the actuarial methodology to be used for the initial actuarial certification and any subsequent actuarial certifications. No other methodology shall be used for certifications made pursuant to this Subsection.

(3)(a) The average final compensation of a Baton Rouge police officer who was not receiving a benefit prior to July 1, 2019, shall include disputed overtime if, upon receipt of an application for benefits, the system obtains an actuarial certification that shows the actuarial cost does not exceed the value of the contributions received by the system for the applicant plus applicable interest.

(b) If such certification shows that the actuarial cost exceeds the value of the contributions received by the system for the applicant plus applicable interest, Baton Rouge shall pay to the system, within thirty days of receipt of the actuarial certification, the amount determined by the actuary necessary to offset the increased actuarial cost. If Baton Rouge fails to pay the amount necessary to offset the increased actuarial cost within the thirty-day period, the system shall notify the applicant of Baton Rouge's failure to pay. The average final compensation of such an officer shall include disputed overtime after the system receives the amount necessary to offset the actuarial cost plus interest from Baton Rouge or from the state treasurer pursuant to Paragraph (6) of this Subsection.

(4) If the initial actuarial certification or an actuarial certification shows the actuarial cost is less than the value of the contributions received by the system plus applicable interest, Baton Rouge shall receive a credit from the system to offset any cost due to the system pursuant to this Subsection.

(5) On or before August fifteenth of each year, the system's director shall certify to Baton Rouge, the total of administrative expenses paid by the system during the previous fiscal year for compliance with the requirements of this Subsection. Baton Rouge shall reimburse the system for such amounts no later than January fifteenth of the following calendar year. Except in the event of disputed calculations that cause the following cap to be exceeded, Baton Rouge shall not be required to reimburse the system for more than nine hundred dollars, adjusted beginning in calendar year 2021 for the annual percentage increase in the Consumer Price Index for all Urban Consumers for the calendar year immediately preceding the system's current fiscal year, times the number of Baton Rouge police officers for which an actuarial certification was made.

(6) Any delinquent payment due under this Subsection, including actuarial costs associated with a benefit on disputed overtime, shall include interest at the assumed rate of return used in the system's most recent valuation approved by the Public Retirement Systems' Actuarial Committee and may otherwise be collected in the manner provided in R.S. 11:2227(D)(2).

(7) Notwithstanding any other provision of law to the contrary, compensation described in Items (1)(e)(i) and (ii) of this Subsection shall constitute earnable compensation under this Chapter if it is or was paid by Baton Rouge to an employee who was merged into the system pursuant to R.S. 11:2225(A)(11)(ii), and to whom one of the following applies:

(a) The employee did not or does not obtain a refund of his accumulated contributions.

(b) The employee obtained a refund of his accumulated contributions and, on or before December 31, 2017, repaid them along with compounded interest at the board-approved actuarial valuation rate thereon from the date of refund until the date that such contributions were repaid in full.

(8) The system and Baton Rouge shall mediate any disputes under this Subsection before any legal action is commenced by either party.

Section 2. The city of Baton Rouge, parish of East Baton Rouge shall reimburse the Municipal Police Employees' Retirement System the sum of eighty-seven thousand five hundred dollars on or before January 15, 2020, for administrative expenses that are associated with disputed previously incurred administrative expenses.

Section 3. The provisions of this Act and the Act which originated as Senate Bill No. 229 of the 2019 Regular Session are limited exclusively to the retirement systems, employers, and members that are the subject of each Act and shall not be construed to apply to or affect any other retirement systems, employers, members, or other matters related to public retirement systems in Louisiana.

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 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 93

HOUSE BILL NO. 53

BY REPRESENTATIVES MOSS, ABRAMSON, ADAMS, BACALA, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BOURRIAQUE, TERRY BROWN, CARMODY, GARY CARTER, STEVE CARTER, CHANEY, DAVIS, DEVILLIER, DUBUISSON, DWIGHT, EMERSON, GISCLAIR, GUINN, HILL, HOFFMANN, HORTON, HUVAL, JACKSON, MIKE JOHNSON, ROBERT JOHNSON, JORDAN, NANCY LANDRY, LARVADAIN, LEBAS, LYONS, MCFARLAND, MOORE, JAY MORRIS, NORTON, PEARSON, PUGH, PYLANT, RICHARD, SMITH, THOMAS, AND TURNER AND SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 17:282.4(C)(introductory paragraph) and 437.1 and to enact R.S. 17:282.4(F) and 3996(B)(54), relative to suicide prevention in schools; to provide for training for school employees, to provide relative to services provided to students; to provide relative to student identification cards; to provide for programs and policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:282.4(C)(introductory paragraph) and 437.1 are hereby amended and reenacted and R.S. 17:282.4(F) and 3996(B)(54) are hereby enacted to read as follows:

§282.4. Youth suicide prevention programs; policies; intent; rules; services; funding

* * *

C. Any city, parish, or other local public school system offering a youth suicide prevention program established pursuant to this Section shall do so in accordance with such rules and regulations adopted by the state board; and shall report its participation to the state Department of Education. The department shall designate such a school as a Suicide Prevention Certified School and maintain an updated list of such schools on its website. A youth suicide prevention program may include but shall not be limited to the following:

* * *

F. Beginning not later than the 2020-2021 school year, the governing authority of each public and approved nonpublic secondary school that issues student identification cards shall have printed on the cards the following information:

- (1) The National Suicide Prevention Lifeline hotline number.
- (2) A local suicide prevention hotline number, if available.

* * *

§437.1. Suicide prevention; in-service training; materials and supplies; limitation on liability

A. The State Board of Elementary and Secondary Education shall develop and adopt guidelines for in-service training in suicide prevention as provided for in Subsection B of this Section. The board, in coordination with the Louisiana Department of Health, shall identify suitable materials programs for use in such training. The state Department of Education shall post on its website a listing of approved programs. The list shall include instructions on accessing such programs. The board shall update the list every five years.

B.(1) The board shall adopt rules to require that all public and approved nonpublic school teachers, school counselors, and principals and, as determined by the board, other school administrators for whom such training is deemed beneficial participate annually in at least two hours of in-service training in suicide prevention. Such rules shall include provisions permitting

such training to be provided by self-review of suitable materials.

(2) The training shall address the following:

(a) Increasing awareness of risk factors including but not limited to the following:

(i) Mental health and substance abuse conditions.

(ii) Childhood abuse, neglect, and trauma.

(iii) Potential causes of stress, such as bullying, harassment, and relationship problems.

(iv) Secondary trauma from a suicide or sensationalized or graphic accounts of suicide in media.

(v) History of suicide attempts and related family history.

(b) How teachers should respond to suspicious behavior or warning signs exhibited by students.

(c) How teachers should respond to a crisis situation in which a student is an imminent danger to himself.

(d) Policies and protocol for communication with parents, including specifications for circumstances in which parental notification is not in the best interest of the student.

(e) Counseling services available within the school for students and their families related to suicide prevention.

(f) Dissemination of information concerning crisis intervention, suicide prevention, and mental health services in the community for students and their families and school employees.

(g) Community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the school system and such an entity in the community or region.

C.(1) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of or good faith attempt to implement the provisions of this Section or resulting from any training; or lack thereof; required by this Section, unless such loss or damage was caused by willful or wanton misconduct.

(2) ~~The training, or lack thereof, required by the provisions of this Section shall not~~ Neither the training required by this Section nor the lack thereof shall be construed to impose any specific duty of care.

D.(1) The State Board of Elementary and Secondary Education shall randomly survey employees of public and approved nonpublic secondary schools to ascertain their compliance with the suicide prevention training requirements of this Section.

(2) The governing authority of each such secondary school shall document and verify to the state Department of Education, by December thirty-first of each year, that all school employees have received the mandatory suicide prevention training as outlined in this Section.

(3) The board shall annually develop a written report of the survey findings and any recommendations and shall submit such report to the Senate Committee on Education, the House Committee on Education, the Senate Committee on Health and Welfare, and the House Committee on Health and Welfare not later than March first of each year.

E. This Section shall be known and may be cited as the "Jason Flatt Act".

* * *

§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:

* * *

(54) Youth suicide prevention programs, R.S. 17:282.4.

* * *

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 94

HOUSE BILL NO. 66

BY REPRESENTATIVE TERRY BROWN AND

SENATORS RISER AND THOMPSON

AN ACT

To designate a portion of United States Highway 84 from the Catahoula Parish line to the Winn Parish line in LaSalle Parish as the "Veterans Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of United States Highway 84 from the Catahoula Parish line to the Winn Parish line in LaSalle Parish shall be hereafter known and designated as the "Veterans Memorial Highway".

Section 2. The Department of Transportation and Development is hereby

directed to erect and maintain appropriate signage reflecting this designation provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 95

HOUSE BILL NO. 87

BY REPRESENTATIVE LEOPOLD AND

SENATORS CARTER AND HEWITT

AN ACT

To enact R.S. 40:1666.1(A)(6), relative to supplemental pay; to provide for eligibility for certain fire protection officers; to provide certain requirements and limitations for eligibility; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1666.1(A)(6) is hereby enacted to read as follows:

§1666.1. Extra compensation

A.(1)

* * *

(6)(a) Every fire protection officer who is employed on a full-time basis by the Plaquemines Port Harbor and Terminal District shall be paid by the state extra compensation in the amount of five hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing the fire protection officers. To be eligible for the extra compensation, each fire protection officer shall have completed one year of service, and any fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firemen's training program as approved by the Louisiana State University Firemen Training Program in accordance with R.S. 40:1541 et seq., or other state or federally approved maritime firefighter training program.

(b) In the event that supplemental pay is increased as provided for in R.S. 40:1666.1(A)(1), then the same amount of supplemental pay shall be increased for the officers provided for in this Paragraph.

* * *

Section 2. This Act shall become effective on July 1, 2020.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 96

HOUSE BILL NO. 118

BY REPRESENTATIVE BERTHELOT

AN ACT

To amend and reenact R.S. 39:1305(F), relative to budget adoption procedures in certain municipalities; to provide relative to the powers granted to the governing authorities of certain municipalities to amend a proposed budget; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1305(F) is hereby amended and reenacted to read as follows:

§1305. Budget preparation

* * *

F.(1) Except in a municipality governed by R.S. 33:321 et seq., Except as provided in Paragraph (2) of this Subsection, the proposed budget and the attendant budget adoption instrument may be amended to the extent deemed appropriate by the governing authority at any point prior to final adoption, unless otherwise provided in an ordinance or home rule charter of the political subdivision.

(2) The authorization granted to political subdivisions to amend the proposed budget and attendant budget adoption instrument in the manner provided for in Paragraph (1) of this Subsection is not applicable to municipalities governed by the provisions of R.S. 33:321 et seq. The governing authority of any such municipality may amend the proposed budget and attendant budget adoption instrument only to the extent that the amendments do not substantially change the proposed budget or the attendant budget adoption instrument.

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 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 97

HOUSE BILL NO. 125
BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact R.S. 30:2025(D)(1), relative to the expedited enforcement program; to provide for enforcement of environmental violations by the Department of Environmental Quality; to increase the assessment amounts that may be resolved through the expedited enforcement program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2025(D)(1) is hereby amended and reenacted to read as follows:

§2025. Enforcement

* * *

D. Expedited enforcement program.

(1) The secretary may adopt rules and regulations establishing a program for expedited enforcement for minor or moderate violations of this Subtitle and regulations adopted pursuant to this Subtitle. Such rules and regulations may provide for citations that may include the assessment of civil penalties and orders requiring compliance within a specified time period. The secretary may delegate the authority to operate such program to the appropriate personnel. Enforcement actions under this program will shall not be subject to the requirement for legal review under R.S. 30:2050.1(C). Citations issued pursuant to this Section are limited. The provisions of this Subsection shall apply only to minor or moderate violations that result in an assessment not to exceed fifteen hundred three thousand dollars per violation or an aggregate total of three five thousand dollars per violator.

* * *

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 98

HOUSE BILL NO. 152
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 33:104(B), relative to the Washington Parish planning commission; to provide relative to monthly commission meetings; to provide relative to cancellations of such meetings; 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. 33:104(B) is hereby amended and reenacted to read as follows:

§104. Organization, meetings, and rules

* * *

B.(1) Notwithstanding the provisions of Subsection A of this Section, a commission located in any municipality with a population of not less than six thousand one hundred twenty-five persons and not more than six thousand five hundred persons according to the latest federal decennial census may cancel a monthly commission meeting if there are no items to be placed on the agenda for the meeting. The commission shall provide notice to the public that the meeting is cancelled no less than five days prior to the scheduled meeting by placing a notice of cancellation in the official journal of the municipality in which the commission is located and by posting a copy of such notice on the door of the building in which the meeting is to be held and via the Internet on the official website of the municipality in which the commission is located.

(2) Notwithstanding the provisions of Subsection A of this Section, the Washington Parish planning commission may cancel a monthly meeting if there are no items to be placed on the agenda for the meeting. The commission shall provide notice to the public that the meeting is cancelled no less than five days prior to the scheduled meeting by placing a notice of cancellation in the official journal of the parish and by posting a copy of such notice on the door of the building in which the meeting is to be held and on the official website of the parish.

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin

Secretary of State:

ACT No. 99

HOUSE BILL NO. 159
BY REPRESENTATIVE BERTHELOT
AN ACT

To enact R.S. 39:1221(7), (8), and (9) and 1242(A)(4), (5), and (6), relative to security for bank deposits made by local government; to provide relative to authorized securities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1221(7), (8), and (9) and 1242(A)(4), (5), and (6) are hereby enacted to read as follows:

§1221. Security for deposits; kinds

Local depositing authorities shall require as security for deposits:

* * *

(7) Notwithstanding any other law to the contrary, any obligation, security, or investment that a political subdivision of the state may invest in directly as provided in R.S. 33:2955.

(8) Letters of credit issued by the Federal Home Loan Bank as authorized by R.S. 6:318 or 748.1.

(9) Any recognized system or program providing Federal Deposit Insurance Corporation insurance coverage as authorized by R.S. 6:319.

* * *

§1242. Security for deposits

A. The commissioner of public finance, or the finance officer of cities having a population exceeding one hundred fifty thousand, or any department, board, commission, or institution thereof, shall require as security for deposits belonging to and held in their custody:

* * *

(4) Notwithstanding any other law to the contrary, any obligation, security, or investment that a municipality may invest in directly as provided in R.S. 33:2955.

(5) Letters of credit issued by the Federal Home Loan Bank as authorized by R.S. 6:318 or 748.1.

(6) Any recognized system or program providing Federal Deposit Insurance Corporation insurance coverage as authorized by R.S. 6:319.

* * *

Approved by the Governor, June 04, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 100

HOUSE BILL NO. 177
BY REPRESENTATIVES PUGH AND AMEDEE
AN ACT

To amend and reenact R.S. 40:32(16) and 92(A), relative to instances of spontaneous fetal death, known also as stillbirth; to provide for definitions; to authorize the issuance of certificates of stillbirth to parents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:32(16) and 92(A) are hereby amended and reenacted to read as follows:

§32. Definition of terms

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

* * *

(16) “Spontaneous fetal death” (stillbirth) means and “stillbirth” mean the expulsion or extraction of a product of human conception resulting in other than a live birth and when the expulsion or extraction is not the result of an induced termination of pregnancy.

* * *

§92. Certificate of stillbirth; requirements

A.(1) In addition to the requirements in R.S. 40:47 and 49, the state registrar shall establish a certificate of stillbirth on a form approved by the state registrar for each spontaneous fetal death which occurs in this state after twenty complete weeks of gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of three hundred fifty grams or more; and for each instance of spontaneous fetal death when a parent of a stillborn child requests a certificate of stillbirth.

(2) This The certificate established pursuant to this Section shall be provided by the Vital Records Registry upon the request of the parent or parents of a stillborn child.

* * *

Approved by the Governor, June 04, 2019.

A true copy:

ACT No. 101

HOUSE BILL NO. 194
BY REPRESENTATIVE BRASS
AN ACT

To amend and reenact R.S. 39:1556(39), relative to definitions within the Louisiana Procurement Code; to provide for a technical correction to a certain definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1556(39) is hereby amended and reenacted to read as follows:

§1556. Definitions

As used in this Chapter, the words defined in this Section shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular Part or provision:

* * *

(39) "Private procurement unit" means any regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities or any early childhood learning center as defined in ~~R.S. 46:1403(A)(6)~~ R.S. 17:407.33(A).

* * *

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 102

HOUSE BILL NO. 209
BY REPRESENTATIVES DAVIS, BAGLEY, CARMODY, CREWS, DWIGHT,
GAROFALO, HILFERTY, MAGEE, MCFARLAND, MCMAHEN, MIGUEZ,
MOSS, SEABAUGH, STEFANSKI, STOKES, AND ZERINGUE AND
SENATORS BOUDREAUX, JOHNS, MARTINY,
MORRISH, GARY SMITH, AND WHITE
AN ACT

To amend and reenact R.S. 47:305(D)(1)(i) and to enact R.S. 47:302(BB)(110), 321(P)(111), 321.1(D)(111), and 331(V)(111), relative to sales and use tax; to provide for a sales and use tax exemption for certain vehicles, aircraft, boats, and water craft used as demonstrators; to provide for restrictions and limitations on the use of the vehicles, aircraft, boats, and water craft; to provide for the effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305(D)(1)(i) is hereby amended and reenacted and R.S. 47:302(BB)(110), 321(P)(111), 321.1(D)(111), and 331(V)(111) are hereby enacted to read as follows:

§302. Imposition of tax

* * *

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

* * *

(110) Trucks, automobiles, aircraft, and boats, vessels, or other water craft withdrawn from stock or kept in dealer inventory and used as demonstrators as provided in R.S. 47:305(D)(1)(i).

* * *

§305. Exclusions and exemptions from the tax

* * *

D.(1) The sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in the taxing jurisdiction of the following tangible personal property is hereby specifically exempted from the tax imposed by taxing authorities, except as otherwise provided in this Paragraph:

* * *

(i)(i) New trucks, new automobiles, new motorcycles, new aircraft, and new boats, vessels, or other water craft withdrawn from stock or kept in a dealer's inventory by factory authorized new truck, new automobile, new motorcycle, new aircraft dealers, and factory-authorized dealers of new boats, vessels, or other water craft, and used trucks and used for use as demonstrators.

(ii) Used trucks and used automobiles withdrawn from stock or kept in a dealer's inventory by new or used motor vehicle dealers, ~~which are withdrawn~~ for use as demonstrators.

* * *

§321. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1,

2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(111) Trucks, automobiles, aircraft, and boats, vessels, or other water craft withdrawn from stock or kept in dealer inventory and used as demonstrators as provided in R.S. 47:305(D)(1)(i).

* * *

§321.1. Imposition of tax

* * *

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

* * *

(111) Trucks, automobiles, aircraft, and boats, vessels, or other water craft withdrawn from stock or kept in dealer inventory and used as demonstrators as provided in R.S. 47:305(D)(1)(i).

* * *

§331. Imposition of tax

* * *

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

* * *

(111) Trucks, automobiles, aircraft, and boats, vessels, or other water craft withdrawn from stock or kept in dealer inventory and used as demonstrators as provided in R.S. 47:305(D)(1)(i).

* * *

Section 2. This Act shall become effective on July 1, 2019.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 103

HOUSE BILL NO. 223
BY REPRESENTATIVE BRASS
AN ACT

To amend and reenact R.S. 32:1714(3) and 1724(A) and to enact R.S. 32:1717.1(C), relative to towing and storage licenses and fines; to provide a maximum fine for violations of the Louisiana Towing and Storage Act; to provide guidelines for suspension or revocation of licenses for violations of the Louisiana Towing and Storage Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1714(3) and 1724(A) are hereby amended and reenacted and R.S. 32:1717.1(C) is hereby enacted to read as follows:

§1714. Powers and duties of the office of state police

The Department of Public Safety and Corrections, office of state police, subject to the provisions of the Administrative Procedure Act, shall:

* * *

(3) Adopt and levy fines for violation of this Chapter or any rule or regulation adopted pursuant to this Chapter. The administrative fine for each violation of this Chapter, or of the regulations adopted pursuant thereto, shall not exceed the sum of five hundred dollars.

* * *

§1717.1. Licensing; storage facility inspection; fee

* * *

C.(1) The Department of Public Safety and Corrections, office of state police, may initiate an administrative action to suspend the storage license pursuant to the provisions of this Chapter for either of the following:

(a) Repeat violations of any provision of this Chapter.

(b) The failure to meet requirements for the issuance of a storage license.

(2) Except as otherwise provided for in R.S. 49:961(C), no suspension imposed pursuant to the provisions of this Chapter shall exceed thirty days.

(3) Revocation may be issued for three or more suspensions.

(4) Prior to the suspension or revocation of any license, the licensee shall have the opportunity for an impartial hearing held in accordance with the Administrative Procedure Act.

(5) For purposes of this Subsection, "repeat violations" means three or more violations of the same administrative rule or regulation within a two-year period.

* * *

§1724. Administrative penalties

A.(1) Any person who fails to comply with any provision required by this Chapter shall forfeit all claims for towing services and storage of such

vehicles and shall be subject to an administrative fine. Each day's failure to make such a report as required hereunder shall constitute a separate offense.

(2) The administrative fine for each violation of this Chapter, or of the regulations adopted pursuant thereto, shall not exceed the sum of five hundred dollars.

* * *

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 104

HOUSE BILL NO. 241

**BY REPRESENTATIVES MIKE JOHNSON AND MARINO
AND SENATOR CARTER
AN ACT**

To amend and reenact R.S. 13:1621(A)(1), R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), and 95.8(A) and (C)(introductory paragraph), R.S. 15:1031, 1096.2(A), 1098.3, 1099.3, and R.S. 46:1933(B), relative to juveniles; to provide relative to juvenile court jurisdiction; to provide relative to the application of delinquency provisions to seventeen-year-olds; to provide relative to the application of certain non-violent crimes based upon the age of the offender; to provide relative to the establishment of schools for juveniles who are adjudicated delinquent; to provide relative to rehabilitative programs for juveniles preadjudication; to provide relative to multiparish juvenile detention home districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1621(A)(1) is hereby amended and reenacted to read as follows:

§1621. Juvenile court for the parish of East Baton Rouge; establishment; jurisdiction

A. There shall be a separate juvenile court for the parish of East Baton Rouge which shall be a court of record and shall be known as the "Juvenile Court for the Parish of East Baton Rouge". There shall be two judges of the juvenile court, who shall preside over that court. The court shall have exclusive jurisdiction in the following proceedings:

(1) All proceedings in the interest of children under ~~seventeen~~ eighteen years of age alleged to be delinquent, except as otherwise provided in R.S. 13:1570 and 1571.1 through 1571.4 and Code of Juvenile Procedure Article 106 the Children's Code; and all proceedings in the interest of children under eighteen years of age alleged to be in need of supervision or in need of care.

* * *

Section 2. R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), and 95.8(A) and (C) (introductory paragraph) are hereby amended and reenacted to read as follows:

§40.7. Cyberbullying

* * *

D.

* * *

(2) When the offender is under the age of ~~seventeen~~ eighteen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

* * *

§73.10. Online impersonation

* * *

C.

* * *

(2) When the offender is under the age of ~~seventeen~~ eighteen years, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

* * *

§92.3. Retaliation by a minor against a parent, legal custodian, witness, or complainant

A. Retaliation by a minor against a parent, legal custodian, witness, or complainant is the willful, malicious, and repeated threats of force against or harassment of a person or his property by a minor under the age of ~~seventeen~~ eighteen accompanied by an overt act on the part of the minor or by the apparent capability of the minor to carry out the threat or harassment, against a parent, legal custodian, person who filed a complaint against the minor, or a witness in a criminal case in which the minor is the defendant or charged with a delinquency and the minor intends to place that person in a reasonable fear of death, serious bodily injury, or damage to property.

* * *

§95.8. Illegal possession of a handgun by a juvenile

A. It is unlawful for any person who has not attained the age of ~~seventeen~~ eighteen years knowingly to possess any handgun on his person. Any person possessing any handgun in violation of this Section commits the offense of illegal possession of a handgun by a juvenile.

* * *

C. The provisions of this Section shall not apply to any person under the age of ~~seventeen~~ eighteen years who is:

* * *

Section 3. R.S. 15:1031, 1096.2(A), 1098.3, and 1099.3 are hereby amended and reenacted to read as follows:

§1031. Establishment of parish schools for youths authorized

The governing authorities of the parishes may establish, within their parishes, an industrial school for male youths of the age ~~seventeen~~ eighteen years, and under, convicted in the juvenile court of the parish for offenses within the jurisdiction of the juvenile court. Where any school has been so established, it shall be employed only for the delinquent juveniles convicted within the parish, and shall be known as the "Parish Industrial School for Youths."

* * *

§1096.2. Purpose

A. The purpose of the commission shall be to assist and afford opportunities to preadjudicatory and postadjudicatory children who enter the juvenile justice system, or who are children in need of care or supervision, to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and to provide physical facilities and related services for children, including the housing, care, supervision, maintenance, and education of juveniles under the age of ~~seventeen~~ eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and over who were under ~~seventeen~~ eighteen years of age when they committed an alleged offense, throughout the parishes within the district and other participating parishes.

* * *

§1098.3. Purpose

The commission may assist and afford opportunities to preadjudicatory and postadjudicatory children who enter the juvenile justice system to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and provide physical facilities and related services for children, including the housing, care, supervision, maintenance, and education of juveniles under the age of ~~seventeen~~ eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and over who were under ~~seventeen~~ eighteen years of age when they committed an alleged offense, throughout St. James Parish and participating parishes.

* * *

§1099.3. Purpose

A governing authority may assist and afford opportunities to preadjudicatory and postadjudicatory children who enter the juvenile justice system to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and provide physical facilities and related services for children, including the housing, care, supervision, maintenance, and education of juveniles under the age of ~~seventeen~~ eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and over who were under ~~seventeen~~ eighteen years of age when they committed an alleged offense, throughout the parish and participating parishes.

Section 4. R.S. 46:1933(B) is hereby amended and reenacted to read as follows:

§1933. Organization and powers

* * *

B. Any multiparish juvenile detention home district may acquire title by purchase or donation to real and personal property for public purposes; may own, operate or maintain facilities for the housing, care, supervision, maintenance and education of juveniles under the age of ~~seventeen~~ eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and over who were under ~~seventeen~~ eighteen years of age when they committed an alleged offense.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 105

**HOUSE BILL NO. 242
BY REPRESENTATIVE LEBAS
AN ACT**

To amend and reenact R.S. 22:1860.2(A), relative to pharmacy claims fees; to prohibit health insurance issuers and pharmacy benefit managers from assessing certain pharmacy claims fees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1860.2(A) is hereby amended and reenacted to read as follows:

§1860.2. Certain pharmacy claims fees prohibited

A. A health insurance issuer or a pharmacy benefit manager may shall not directly or indirectly charge or hold a pharmacist or pharmacy responsible for any fee related to a claim that is any of the following:

(1) ~~That is not~~ Not apparent at the time of claim processing.

(2) ~~That is not~~ Not reported on the remittance advice of an adjudicated claim.

(3) After the initial claim is adjudicated.

* * *

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 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 106

HOUSE BILL NO. 252
BY REPRESENTATIVE GAINES
AN ACT

To amend and reenact Civil Code Article 1968 and to repeal Title XIV of Book III of the Civil Code, comprised of Civil Code Articles 2982 through 2984, relative to aleatory contracts; to provide with respect to unlawful cause; to provide with respect to gaming, gambling, and wagering; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Civil Code Article 1968 is hereby amended and reenacted to read as follows:

Art. 1968. Unlawful cause
The cause of an obligation is unlawful when the enforcement of the obligation would produce a result prohibited by law or against public policy.

Examples of obligations with unlawful causes include those that arise from gaming, gambling, and wagering not authorized by law.

Revision Comments 2019
(a) The second paragraph of this Article restates the principles of prior law contained in former Articles 2983 and 2984. It does not significantly change the law. The language creating exceptions of permissible gaming contracts under former Article 2983, which involved "games tending to promote skill in the use of arms, such as the exercise of the gun and foot, horse and chariot racing" has been deleted as anachronistic. The Constitution of Louisiana generally discourages "gaming, gambling, and wagering." See, e.g., La. Const. Art. XII, Sec. 6. The Louisiana Criminal Code also defines and prohibits gambling. See, e.g., R.S. 14:90. For specific examples of allowable games of chance, see, e.g., La. Const. Art. XII, Sec. 6(A); R.S. 27:1 et seq.; R.S. 27:502. This Article does not affect the existing jurisprudence holding that casino markers extended to patrons are enforceable extensions of credit. See, e.g., *Strong v. Eldorado Casino Shreveport Joint Venture*, 73 So. 3d 967 (La. App. 2 Cir. 2011); *Players Lake Charles, LLC v. Tribble*, 779 So. 2d 1058 (La. App. 3 Cir. 2001); *TeleRecovery of Louisiana v. Major*, 734 So. 2d 947 (La. App. 1 Cir. 1999); *TeleRecovery of Louisiana v. Gaulon*, 738 So. 2d 662 (La. App. 5 Cir. 1999).

(b) The provision in former Article 2984, which refused an action for recovery by a loser in a gaming or wagering contract in the absence of "fraud, deceit, or swindling," has also been deleted in light of Article 2033, which denies recovery of performance on an absolutely null contract except "in exceptional situations when, in the discretion of the court, that recovery would further the interest of justice."

(c) The definition of an aleatory contract contained in former Article 2982 has been deleted as unnecessary in light of existing Article 1912.

Section 2. Title XIV of Book III of the Civil Code, comprised of Civil Code Articles 2982 through 2984, is hereby repealed in its entirety.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 107

HOUSE BILL NO. 264
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 33:9091.7(C) and (F)(1) and (3)(b) and (c), relative to the Lakeshore Crime Prevention District in Orleans Parish; to provide relative to the purpose of the district; to provide relative to the parcel fee levied within the district; to provide relative to the maximum amount and expiration of the fee; 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. 33:9091.7(C) and (F)(1) and (3)(b) and (c) are hereby amended and reenacted to read as follows:

§9091.7. Lakeshore Crime Prevention District
* * *

C. Purpose. The purpose of the district shall be to aid in crime prevention by:

(1) Procuring private patrol services, security cameras, and to add to other products or services reasonably designed to enhance the security of district residents by providing for an increase in the presence of law enforcement personnel in the district.

(2) Disseminating newsletters or other information on crime prevention or security matters.

(3) Engaging in other activities ancillary to crime prevention.
* * *

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) The amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district. The fee, however, shall not exceed ~~three hundred sixty dollars~~ four hundred twenty dollars per parcel per year.
* * *

(3)
* * *

(b) The election on the question of the imposition of the fee ~~shall be held at the same time as the regularly scheduled election in the city of New Orleans to be held on November 2, 2004, or, if not held on that date, it shall be held at the same time as a regularly scheduled election in the city of New Orleans held after that date.~~

(c) The fee shall expire ~~on December 31, 2010, at the end of the term provided for in the proposition authorizing the fee~~ but may be renewed as provided in Subparagraph (3)(a) of this Subsection. Any election to authorize renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed four years.
* * *

Section 2. The provisions of this Act shall not affect the parcel fee levied within the Lakeshore Crime Prevention District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the fee until such time as it expires, as provided in the proposition approved by a majority of the district's registered voters voting on the proposition at an election held on November 8, 2016. After expiration of the fee, the governing authority of the city shall then begin to levy a parcel fee as provided in this Act if the parcel fee has been approved by the voters as provided in this Act.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 108

HOUSE BILL NO. 271
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:340(A)(introductory paragraph) and (1), relative to the procedure following a merger or consolidation of foreign or alien insurers; to provide for the filing of the agreement and certificate of merger with the commissioner of insurance; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:340(A)(introductory paragraph) and (1) are hereby amended and reenacted to read as follows:

§340. Procedure following merger or consolidation

A. Whenever a foreign or alien insurer authorized to transact business in this state shall be the surviving insurer of a statutory merger permitted by the laws of the state or country under which it is organized, and ~~such the~~ merger is not subject to the provisions of R.S. 22:73 and 96, Subpart H of Part III of this Chapter, R.S. 22:731 et seq., and Chapter 9 of this Title, R.S. 22:2001 et seq., it shall ~~forthwith~~ immediately file with the commissioner of insurance:

(1) ~~Two copies~~ One copy of the agreement and certificate of merger duly authenticated by the proper official of the state or country under the laws of which ~~such the~~ statutory merger was effected, ~~and one of which certified copies shall be filed with the secretary of state by said commissioner.~~
* * *

Section 2. This Act shall become effective on January 1, 2020.

Approved by the Governor, June 04, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 109

HOUSE BILL NO. 288
BY REPRESENTATIVE HOLLIS

AN ACT

To enact R.S. 22:2013.1, relative to the administration of large deductible policies and collateral; to provide for applicability; to provide for definitions; to provide for the right of the receiver or a guaranty association to pursue collateral; to limit the defenses of the insured; to provide for the treatment of the collateral; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2013.1 is hereby enacted to read as follows:

§2013.1. Administration of large deductible policies and insured collateral
A. This Section shall apply to workers' compensation large deductible policies issued by an insurer subject to delinquency proceedings pursuant to this Chapter; however, this Section shall not apply to first-party claims or to claims funded by a guaranty association net of the deductible unless Subsection C of this Section applies. Large deductible policies shall be administered in accordance with their terms, except to the extent the terms conflict with this Section.

B. For purposes of this Section, the following terms have the following meanings:

(1) "Collateral" means any cash, letters of credit, surety bond, or any other form of security posted by the insured, or by a captive insurer or reinsurer, to secure the insured's obligation under a large deductible policy to pay deductible claims or to reimburse the insurer for deductible claim payments. Collateral may also secure an insured's obligation to reimburse or pay to the insurer as may be required for other secured obligations.

(2) "Commercially reasonable" means to act in good faith using prevailing industry practices and making all reasonable efforts considering the facts and circumstances of the matter.

(3) "Deductible claim" means any claim, including a claim for loss and defense and cost containment expense, unless the expenses are excluded, under a large deductible policy that is within the deductible.

(4)(a) "Large deductible policy" means any of the following:

(i) Any combination of one or more workers' compensation policies and endorsements issued to an insured, and contracts or security agreements entered into between an insured and the insurer in which the insured has agreed with the insurer to do either of the following:

(aa) Pay directly the initial portion of any claim under the policy up to a specified dollar amount, or the expenses related to any claim.

(bb) Reimburse the insurer for its payment of any claim or related expenses under the policy up to the specified dollar amount of the deductible.

(ii) Any policy that contains an aggregate limit on the insured's liability for all deductible claims in addition to a per claim deductible limit.

(iii) Any policy that shifts a portion of the ultimate financial responsibility to pay claims from the insurer to the insured, even though the obligation to initially pay claims may remain with the insurer.

(iv) Any policy with a deductible of one hundred thousand dollars or greater.

(b) "Large deductible policy" shall not include any of the following:

(i) Policies, endorsements, or agreements that provide for the initial portion of any covered claim to be self-insured and further that the insurer shall have no payment obligation within the self-insured retention.

(ii) Policies that provide for retrospectively rated premium payments by the insured or reinsurance arrangements or agreements, except to the extent the arrangements or agreements assume, secure, or pay the policyholder's large deductible obligations.

(5) "Other secured obligations" means obligations of an insured to an insurer other than those under a large deductible policy, including but not limited to those under a reinsurance agreement or other agreement involving retrospective premium obligations, the performance of which is secured by collateral that also secures an insured's obligations under a large deductible policy.

C. Unless otherwise agreed by the responsible guaranty association, all large deductible claims, which are also covered claims as defined by the applicable guaranty association law, including those that may have been funded by an insured before liquidation, shall be turned over to the guaranty association for handling. To the extent the insured funds or pays the deductible claim, pursuant to an agreement by the guaranty fund or otherwise, the insured's funding or payment of a deductible claim will extinguish the obligations, if any, of the receiver or any guaranty association to pay the claim. No charge of any kind shall be made against the receiver or a guaranty association on the basis of an insured's funding or payment of a deductible claim.

D.(1) To the extent a guaranty association pays any deductible claim for which the insurer would have been entitled to reimbursement from the insured, a guaranty association shall be entitled to the full amount of the reimbursement, and available collateral as provided for in this Section to the extent necessary to reimburse the guaranty association. Reimbursements paid to the guaranty association pursuant to this Subsection shall not be treated as distributions pursuant to R.S. 22:2025 or as early access payments pursuant to R.S. 22:2008(C), 2034, and 2037.

(2) To the extent that a guaranty association pays a deductible claim that is not reimbursed either from collateral or by insured payments, or incurs expenses in connection with large deductible policies that are not reimbursed pursuant to this Section, the guaranty association shall be entitled to assert a claim for those amounts in the delinquency proceeding.

(3) Nothing in this Subsection shall limit any rights of the receiver or a guaranty association that may otherwise exist pursuant to applicable law to obtain reimbursement from insureds for claims payments made by the

guaranty association under policies of the insurer or for the guaranty association's related expenses, including but not limited to those provided for in R.S. 22:2061.1, or existing under similar laws of other states.

E.(1) The receiver shall collect reimbursements owed for deductible claims as provided for in this Section, and shall take all commercially reasonable actions to collect the reimbursements. The receiver shall promptly bill insureds for reimbursement of deductible claims that are any of the following:

(a) Paid by the insurer prior to the commencement of delinquency proceedings.

(b) Paid by a guaranty association upon receipt by the receiver of notice from a guaranty association of reimbursable payments.

(c) Paid or allowed by the receiver.

(2) If the insured does not make payment within the time specified in the large deductible policy, or within sixty days after the date of billing if no time is specified, the receiver shall take all commercially reasonable actions to collect any reimbursements owed.

(3) Neither the insolvency of the insurer, nor its inability to perform any of its obligations under the large deductible policy, shall be a defense to the insured's reimbursement obligation under the large deductible policy.

(4) Any contract, counter letter, or other agreement between the insurer and the insured that in any manner seeks to reduce or eliminate the insured's obligation to reimburse the insurer for the deductible shall be null and void as against public policy and shall not be eligible to be used by the insured as a defense to the efforts by the receiver or guaranty association to collect any unpaid deductible.

(5) Except for gross negligence, an allegation of improper handling or payment of a deductible claim by the insurer, the receiver, or any guaranty association shall not be a defense to the insured's reimbursement obligations under the large deductible policy.

F.(1) Subject to the provisions of this Subsection, the receiver shall use collateral, when available, to secure the insured's obligation to fund or reimburse deductible claims or other secured obligations or other payment obligations. A guaranty association shall be entitled to collateral as provided for in this Subsection to the extent needed to reimburse a guaranty association for the payment of a deductible claim. Any distributions made to a guaranty association pursuant to this Subsection shall not be treated as distributions pursuant to R.S. 22:2025 or as early access payments pursuant to R.S. 22:2008(C), 2034, and 2037.

(2) All claims against the collateral shall be paid in the order received and no claim of the receiver, including those described in this Subsection, shall supersede any other claim against the collateral as provided for in Paragraph (4) of this Subsection.

(3) The receiver shall draw down collateral to the extent necessary in the event that the insured fails to do any of the following:

(a) Perform its funding or payment obligations under any large deductible policy.

(b) Pay deductible claim reimbursements within the time specified in the large deductible policy or within sixty days after the date of the billing if no time is specified.

(c) Pay amounts due to the estate for preliquidation obligations.

(d) Timely fund any other secured obligation.

(e) Timely pay expenses.

(4) Claims that are validly asserted against the collateral shall be satisfied in the order in which the claims are received by the receiver. However, if more than one creditor has a valid claim against the same collateral and the available collateral, along with billing collection efforts and to the extent that the collateral is subject to other known secured obligations, are together insufficient to pay each creditor in full, the receiver may prorate payments based on the ratio of the amount of claims each creditor has to the total claims paid by all the creditors.

(5) Excess collateral may be returned to the insured as determined by the receiver after a periodic review of claims paid, outstanding case reserves, and a factor for incurred but not reported claims.

G. The receiver may deduct from the collateral or from the deductible reimbursements reasonable and actual expenses incurred in connection with the collection of the collateral and deductible reimbursements.

H. This Section shall not limit or adversely affect any rights or powers a guaranty association may have pursuant to applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by the guaranty association under policies of the insolvent insurer, or for related expenses the guaranty association incurs.

Section 2. This Act shall become effective on January 1, 2020.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 110

HOUSE BILL NO. 299
BY REPRESENTATIVE CARMODY
AN ACT

To enact R.S. 37:1461.1, relative to continuing education approved by the

Louisiana Real Estate Commission; to provide for a continuing education approval process for certain courses; to require vendors to seek approval to provide such courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1461.1 is hereby enacted to read as follows:

§1461.1. Continuing education; meetings and conferences; approved vendors; approval process; exceptions

A. A vendor which has been licensed by the Louisiana Real Estate Commission to provide continuing education courses to licensees of the commission shall be exempt from the continuing education approval processes as set forth in the Louisiana Administrative Code or prescribed by the commission when seeking approval of the following:

(1) Courses offered to obtain certifications or designations awarded by the National Association of REALTORS or its affiliated institutes, societies, and councils.

(2) Live courses offered once a year in any one location and in conjunction with a conference, meeting, forum, or similar event held or sponsored by a state or local real estate trade association, or any institutes, societies, or councils affiliated with a state or local real estate trade association.

B. In order for licensees to earn continuing education credit for courses delineated in Subsection A of this Section, the vendor of the course shall submit the course for approval pursuant to the process set forth in this Section.

C.(1) To obtain approval for continuing education credit for the courses delineated in Subsection A of this Section, a vendor shall submit the following information to the executive director of the commission by electronic mail at least forty-five days prior to the planned date of the course:

(a)(i) The date, location, and time the course will be provided.

(ii) If the date, location, or time of the course has not been finalized, the vendor shall state reasons for the uncertainty and submit the omitted information at least ten days before the course is taught.

(b)(i) For courses described in Paragraph (A)(1) of this Section, for initial approval, the vendor shall submit either the course materials, course syllabus, or both, if available. In applications for renewal, the vendor shall submit a brief summary of the course content.

(ii) For courses described in Paragraph (A)(2) of this Section, the vendor shall submit either the course content or a brief summary of the course content.

(c) The name and qualifications of every instructor involved in conducting the course.

(d) The number of credit hours.

(2) The executive director shall notify the vendor of whether the course has been approved or denied approval within seven calendar days of submission for approval.

(3) If approval is denied by the executive director, the question of approval shall be placed on the agenda of the next regularly scheduled meeting of the commission. At the meeting, the commissioners shall vote to either uphold the decision of the executive director or to approve the course for continuing education credit.

D.(1) Any course described in Paragraph (A)(1) of this Section and approved pursuant to the provisions of this Section shall be valid for continuing education credit for three years from the date of approval or renewal.

(2) If a course described in Paragraph (A)(1) of this Section has not been approved for renewal before the expiration of the three-year time period, it shall not be acceptable for use as continuing education credit.

E.(1) Any state department, office, board, or commission may offer any course for continuing education credit for real estate licensees without being licensed as a real estate education vendor.

(2) Any state department, office, board, or commission seeking to offer any course for continuing education credit for real estate licensees shall submit the course for approval pursuant to the provisions of this Section and shall be exempt from course and instructor approval requirements provided for in the Louisiana Administrative Code or prescribed by the commission.

F. The following shall apply to any course submitted for approval or approved for continuing education pursuant to the provisions of this Section:

(1) The commission shall not require a separate process to approve the instructor of the course.

(2) If there is a change in the instructor, the vendor shall provide the executive director with the name of the new instructor and a brief statement as to why the instructor is qualified to conduct the course, at least seven days prior to the course.

(3) Neither the commission nor any third-party contractor shall require or request that the vendor or instructor provide an instructor guide, a narrative of the information to be presented in the course, a detailed course outline, time allotment for topics, detailed learning objectives, or instructional methods or aids, when the vendor is seeking approval or renewal of approval of a course.

(4) Neither the commission nor any third party shall require the vendor or instructor to submit additional information about the course content, delivery method, or instructor unless for use in addressing a formal written complaint that may be received by the commission about the course or instructor.

Approved by the Governor, June 04, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 111

HOUSE BILL NO. 397
BY REPRESENTATIVE BAGNERIS
An ACT

To amend and reenact Code of Criminal Procedure Article 885.1, relative to suspension of driving privileges; to provide relative to the surrender of driver's licenses of persons who fail to pay criminal fines; to authorize the court to grant an extension of time to pay the fine; to authorize the court to order the performance of community service in lieu of payment of the fine; to provide relative to the effectiveness of changes made to Code of Criminal Procedure Article 885.1 by Act No. 260 of the 2017 Regular Session of the Legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 885.1 is hereby amended and reenacted to read as follows:

Art. 885.1. Suspension of driving privileges; failure to pay criminal fines

A. When a fine is levied against a person convicted of any criminal offense, including any violation of the Louisiana Highway Regulatory Act or any municipal or parish ordinance regulating traffic, ~~in any municipality or in any parish and the court grants the defendant is granted~~ an extension of time to pay the fine, if at the expiration of the extended period granted by the court, the defendant shows that he is financially unable to pay the fine, the judge of the court having jurisdiction may order shall grant the person an extension of time, not to exceed one hundred eighty days, in which to pay the fine, or offer the person, in lieu of paying the fine, the alternative of performing community service as set by the judge.

B. If, at the expiration of the one-hundred-eighty-day period granted by the judge pursuant to Paragraph A of this Article, the judge determines that the defendant has either willfully not paid the fine or has not performed the community service, the judge may do either of the following:

(1) For any offense that involves the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance as a necessary element of proof in the commission of the offense, order the person's driver's license to be surrendered to the sheriff or official of the court collecting fines, and for a period of time not to exceed one hundred eighty days. If, after expiration of one hundred eighty days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections.

(2) Grant the person an extension of time to either pay the fine or perform the community service.

B. Upon receipt of a surrendered driver's license, the sheriff or court official responsible for collection of such fines shall issue a temporary permit for a period not to exceed one hundred eighty days or for a period of time set forth by the judge having jurisdiction. The temporary permits, the procedure for distributing such permits, and the rules and regulations associated with such permits shall be the same as devised by the Department of Public Safety and Corrections as required by R.S. 32:411.1.

C. If, after expiration of one hundred eighty days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections. Upon If the person's license is surrendered pursuant to Paragraph (B)(1) of this Article, upon receipt of the defendant's surrendered driver's license, the department shall suspend the driver's license of the defendant. The suspension shall begin when the department receives written notification from the court, and the department shall send immediate written notification to the defendant informing him of the suspension of driving privileges.

D. The department shall not reinstate, return, reissue, or renew a driver's license in its possession pursuant to this Article until payment of the fine and any additional administrative cost, fee, or penalty required by the judge having the jurisdiction and any other cost, fee, or penalty required by the department in accordance with R.S. 32:414(H) or other applicable cost, fee, or penalty provision.

E. Notwithstanding any provision of law to the contrary, if the person against whom the fine is levied is financially unable to pay the fine, the provisions of this Article shall not apply and the judge of the court shall not order that the person's driver's license be surrendered for failure to pay such fine, unless the court determines that the defendant is financially able but has willfully refused to pay the fine, or to perform the community service ordered as an alternative to the fine pursuant to the provisions of this Article.

Section 2. The provisions of this Act shall become effective on August 1, 2019.

Section 3. It is the intent of the legislature that the changes made to Code of Criminal Procedure Article 885.1 in Act No. 260 of the 2017 Regular Session of the Legislature, as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the Legislature, shall never go into effect and that the provisions of this Act shall control.

Approved by the Governor, June 4, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 112

HOUSE BILL NO. 408
BY REPRESENTATIVE DAVIS
An ACT

To amend and reenact R.S. 22:978(D), relative to renewals of group health insurance policies; to provide for group policy renewal; to require notice of premium rates or renewal costs; to require the insurer to provide data on utilization, paid claims, and premiums; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:978(D) is hereby amended and reenacted to read as follows:

§978. Group, family group, blanket, and association health and accident insurance; notice required for certain premium increase, cancellation, or nonrenewal

* * *

D.(1) At least ninety days prior to the date on which a group policy is to be renewed or terminated, every health insurance issuer providing coverage to ~~an~~ a large employer group, as defined in R.S. 22:1061, ~~comprising more than one hundred enrolled employees~~ shall provide the employer group with, ~~or make available electronically,~~ information as to the premium rate or amount to be paid to renew the group policy for the next policy year. The health insurance issuer shall make the information available to the employer group or to the employer group's appointed insurance agent or broker.

~~(2) No later than eighty days prior to the date of renewal or termination, the employer group may make written request, by certified mail, to the group insurance issuer for~~ The group insurance issuer shall make available on a monthly basis the currently available utilization data and aggregate paid claims and premium data accumulated for the period of the current policy year. This data shall be made available to both the employer group and the employer group's appointed insurance agent or broker. Upon request by the employer group or its agent or broker, the health insurance issuer shall provide this data to the employer group or the agent or broker within fourteen business days of receipt of the initial request and monthly thereafter.

* * *

Approved by the Governor, June 4, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 113

HOUSE BILL NO. 79
BY REPRESENTATIVE DUBUISSON
AN ACT

To designate a portion of United States Highway 190 in Slidell, Louisiana, as the "Officer Jason Seals Memorial Highway"; to designate a portion of United States Highway 171 in Shreveport, Louisiana, as the "Ralph D. Balentine Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of United States Highway 190, otherwise known as Gause Boulevard West, from its intersection with Northshore Boulevard to its intersection with United States Highway 11, otherwise known as Front Street, in Slidell, Louisiana, shall be hereafter known and designated as the "Officer Jason Seals Memorial Highway".

Section 2. The portion of United States Highway 171, otherwise known as Mansfield Road, from its intersection with Kings Highway to its intersection with Midway Avenue in Shreveport, Louisiana, shall be hereafter known and designated as the "Ralph D. Balentine Memorial Highway".

Section 3. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signage reflecting these designations provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 5, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State
