

ACTS OF 2020 LEGISLATURE

Acts 266-328

ACT No. 266

HOUSE BILL NO. 410

BY REPRESENTATIVES LACOMBE, THOMPSON, ADAMS, BRYANT,
WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GREEN,
JEFFERSON, JENKINS, MIKE JOHNSON, MARCELLE, MOORE,
NEWELL, PIERRE, AND WHITE

AN ACT

To amend and reenact R.S. 9:408 and to enact R.S. 9:402.1, relative to the presumption of paternity; to provide for the child support obligation owed by a presumed father who executes a three-party acknowledgment; to provide for the proper parties in a filiation or paternity proceeding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:408 is hereby amended and reenacted and R.S. 9:402.1 is hereby enacted to read as follows:

§402.1. Effect of three-party acknowledgment; alternative to disavowal; child support order

The execution of a three-party acknowledgment pursuant to Civil Code Article 190.1 terminates the obligation to pay child support by the husband or former husband and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owing prior to the date the three-party acknowledgment was executed.

§408. Filiation and paternity proceeding; parties

The child's mother, the husband of the mother any man who would be presumed to be the father under Civil Code Article 185, and the biological father, if known, shall be joined in a filiation or paternity proceeding, except that joinder is not required of a person whose parental rights have been terminated, or who is deceased, or whose joinder is determined otherwise not to be feasible.

Section 2. The Louisiana State Law Institute is hereby directed to prepare official comments to the provisions of this Act no later than October 1, 2020 and thereafter to update and revise such comments as necessary.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 267

HOUSE BILL NO. 421

BY REPRESENTATIVE BROWN AND SENATOR BARROW

AN ACT

To amend and reenact R.S. 22:1573(F) and Code of Criminal Procedure Article 331(I) and to enact Code of Criminal Procedure Article 311(6) and (7), 331(J) and (K), and R.S. 22:1587, relative to bail enforcement agents; to provide for discharge of bail obligation; to define bail enforcement and bail enforcement agent; to provide for continuing education requirements; to provide for possession of a firearm by a bail enforcement agent; to establish penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 331(I) is hereby amended and reenacted and Code of Criminal Procedure Article 311(6) and (7) and 331(J) and (K) are hereby enacted to read as follows:

Art. 311. Definitions

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

* * *

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

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

* * *Art. 311. Discharge of bail obligation

* * *

I. In all cases and by operation of law, during the period of time declared by the governor to be a statewide public health emergency due to COVID-19, the time period for the appearance or surrender of a defendant is interrupted.

The surety's opportunity to resolve a failure to appear by surrendering, constructively surrendering, or otherwise satisfying the bail obligation is automatically extended for one hundred eighty days following the declared end of the state of emergency or from the date of proper notice of a failure to appear to the defendant, surety agent and surety, whichever is later, without need for the filing of any motion. Additionally, a surety may file a motion in the criminal court of records seeking additional time to surrender a defendant citing specific circumstances related to COVID-19 and pertaining to the defendant in the criminal matter.

J. In cases which were continued by the court during the time period declared by the governor to be a statewide public health emergency due to COVID-19, it is required that notice of any new date be provided to the defendant or his duly appointed agent and his personal surety or the commercial surety or the agent or bondsman who posted the bail undertaking for the commercial surety in accordance with Code of Criminal Procedure Article 330(D).

I. K. The court shall order the bail obligation canceled when there is no further liability thereon.

Section 2. R.S. 22:1573(F) is hereby amended and reenacted and R.S. 22:1587 is hereby enacted to read as follows:

§1573. Continuing education requirements

* * *

F. For bail bond producers, the continuing education requirement for renewal of license shall be twelve hours of approved bail underwriting instruction. At least six of the hours shall be dedicated to matters related to bail enforcement as defined in Code of Criminal Procedure Article 311.

* * *

§1587. Possession of a firearm; permit required

A. Any bail enforcement agent who carries a concealed firearm is subject to the concealed handgun permit requirements of this state as provided in R.S. 40:1379.3.

B.(1) Any person or entity that violates the provisions of Subsection A of this Section shall be subject to the penalties provided for in R.S. 40:1379.3.

(2)(a) In addition to any imprisonment or fine imposed pursuant to Paragraph (1) of this Subsection, the person or entity shall forfeit and surrender to the commissioner the person's or entity's license to transact insurance business in this state upon finality of the conviction.

(b) The person or entity that has forfeited a license pursuant to Subparagraph (a) of this Paragraph shall be precluded for a period of three years thereafter from obtaining any license to transact insurance business in this state.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 268

HOUSE BILL NO. 425

BY REPRESENTATIVE SCHEXNAYDER

AN ACT

To amend and reenact R.S. 40:1541, relative to firemen training; to provide for the firemen training program at Louisiana State University; to provide relative to participation in the program; to increase the membership of the Louisiana Fire and Emergency Training Commission; to revise the commission's powers and duties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1541 is hereby amended and reenacted to read as follows:
§1541. Louisiana State University; official agency for training

A. Louisiana State University is hereby officially designated as the agency of this state to conduct at its Baton Rouge campus training for in-service firemen on a statewide basis in which firemen from any and all duly constituted fire departments and private or commercial industrial and allied emergency services may participate, and to coordinate and conduct other firemen training programs at other training locations as provided in this Part. This Part shall not be construed as affecting the authority of any fire department to conduct training for its own personnel.

B. Louisiana State University shall conduct training programs and perform its functions as provided in this Part with the advice and guidance of the Louisiana Fire and Emergency Training Commission created by this Section.

C.(1) The Louisiana Fire and Emergency Training Commission, referred to in this Part as the "commission", is hereby created.(2) The commission shall be composed of ~~nine~~ eleven members as follows:

(a) One member shall be the state fire marshal or his designee.

(b) One member shall be the Louisiana State University-Baton Rouge chancellor or his designee.

(c) Two members shall be selected by the Louisiana State Firemen's Association.

(d) Two members shall be selected by the Louisiana State Fire Chiefs' Fire Chiefs Association.

(e) Two members shall be selected by the Professional Firefighters' Association of Louisiana.

(f) One member shall be a Louisiana citizen with knowledge and experience in the field of fire and emergency services appointed by the governor.

(g) One member shall be a person who is currently in active service with a Louisiana fire department and has been active for at least ten years, appointed

by the governor upon recommendation of the commission.

(h) One member shall be a person with knowledge and experience and active in the field of industrial fire and emergency services, appointed by the governor upon recommendation of the commission.

(3) Members shall serve at the pleasure of the appointing authority. A vacancy shall be filled in the manner of the original appointment.

(4) Members shall serve without compensation or reimbursement for expenses.

(5) The commission annually, at the first meeting of the calendar year, shall elect from its members a chairman and vice chairman. The chairman and vice chairman shall serve as such for a period of one year from the date of election.

(6) Commission members shall be considered state officers for purposes of R.S. 9:2798.1 and Chapter 16-A of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

(7) The commission shall meet at least once each month. Other meetings may be called by the chairman on his own initiative and shall be called by him at the request of three or more members of the commission within fourteen days of such request. Each member shall be notified by the chairman in writing of the time and place of a meeting at least seven days before the meeting.

(8) The commission shall adopt rules for the conduct of commission functions. Any decision of the commission may be made only by the favorable vote of at least two-thirds of those members in attendance at the meeting provided that a quorum is established prior to the vote. A majority of members of the commission shall constitute a quorum.

~~D.(1) The Louisiana Fire and Emergency Training Commission shall advise and provide guidance to Louisiana State University relative to the conduct of training programs and performance of the university's functions pursuant to this Part.~~

~~(2) The commission shall provide advice and guidance, and recommendations to the university relative to the approval of matters including but not limited to the following:~~

~~(a)(1) Hiring a qualified person to serve as executive director, including review of candidates for the position, and fixing the salary of and, defining the duties, of the executive director and recommending to Louisiana State University the final selection of a candidate. The commission shall be given not less than sixty days after the posting of a vacancy in the position to recommend a candidate to fill the vacancy.~~

~~(b)(2) Employment of management, other directors, and clerical, technical, legal, and other assistance for the conduct of the university's functions pursuant to this Part, including the defining of duties. The commission shall be given not less than sixty days after the posting of a vacancy in any position to recommend a candidate to fill the vacancy.~~

~~(c)(3) All aspects of the conduct of fire and emergency training and training programs, including curricula and performance of the university's functions pursuant to this Part.~~

~~(d)(4) Prioritization of training throughout the state.~~

~~(e)(5) The annual budget for the conduct of the university's functions pursuant to this Part, including management of funds and recovery of the cost of classes. The university shall submit the proposed annual budget for the program to the commission for review prior to its final adoption.~~

~~(f)(6) Recommendations to be made by the university to the legislature relative to the university's functions pursuant to this Part.~~

~~(7) The acceptance of any and all appropriate donations and grants of money, equipment, supplies, materials, and services and their receipt, use, and disposal. The commission shall be apprised of all grant opportunities available to the Louisiana State University Fire and Emergency Training Institute and all grant applications submitted on behalf of the institute individually or in conjunction with other institutions or programs of the university.~~

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 269

HOUSE BILL NO. 435

BY REPRESENTATIVES JORDAN AND IVEY
AN ACT

To enact Subpart B-1 of Part II of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1160.1 through 1160.4, relative to nonconsensual pelvic and rectal examinations; to provide methods by which consent shall be obtained by the patient or personal healthcare representative; to provide for definitions; to provide for exceptions to obtaining informed consent from the patient or personal healthcare representative; to provide for penalties; to provide for learners in a clinical setting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-1 of Part II of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1160.1 through 1160.4, is hereby enacted to read as follows:

SUBPART B-1. CONSENT TO MEDICAL EXAMINATIONS

§1160.1. Title

This Subpart shall be known and may be cited as the "Consent to Medical Examinations Act".

§1160.2. Definitions

As used in this Subpart, the following terms have the meanings ascribed to them unless otherwise provided for or unless the context otherwise indicates:

(1) "Anesthesia" means a drug-induced loss of consciousness, by use of any anesthetic induction agent or otherwise, during which patients are not arousable even by painful stimulation, as defined by the Louisiana State Board of Medical Examiners.

(2) "Examination" means a pelvic or rectal examination.(3) "Healthcare provider" means a physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.

(4) "Learner" means any person enrolled in a medical, nursing, or allied health education program. "Learner" shall also mean a medical resident, intern, or student undergoing a course of instruction or participating in a clinical training or residency program.

(5) "Patient" means a person who receives or has received medical treatment or services from an individual or institution licensed to provide medical treatment in this state.

(6) "Pelvic examination" means the physical examination of an individual's reproductive organs.

(7) "Rectal examination" means an examination relating to or affecting the rectum.

(8) "Personal healthcare representative" has the meaning as ascribed in R.S. 40:1155.2(7).

(9) "Teaching purposes" means a nondiagnostic or nontherapeutic examination that is solely for the education of the learner.

§1160.3. Consent to medical examinations; anesthetized patients; penalties

A. A healthcare provider licensed or certified to practice a profession shall not perform a pelvic or rectal examination, hereinafter referred to as "examination", on an anesthetized or unconscious patient unless at least one of the following conditions is met:

(1) The patient or the personal healthcare representative provides written consent to the examination, and the examination is necessary for instructional, preventive, diagnostic, or treatment purposes.

(2) The patient or the personal healthcare representative has provided informed consent to a surgical procedure or examination to be performed on the patient, and the performance of an examination is within the scope of care ordered for the surgical procedure or examination.

(3)(a) The patient is unconscious and incapable of providing consent, and the examination is medically necessary.

(b) A healthcare provider who performs an examination pursuant to this Paragraph shall inform the patient that an additional examination was performed and the nature of the examination. The healthcare provider shall notify the patient of the examination at a reasonable time before the patient is discharged from his care.

B. Any violation of the provisions of this Section may constitute grounds for adverse licensure action by the applicable professional licensing board exercising jurisdiction over the healthcare provider.

§1160.4. Requirement for examinations performed by learners

A. Learners in a clinical setting, including but not limited to an operating room, when the patient is under general anesthesia, shall perform an examination for teaching purposes only when all of the following conditions are met:

(1) The examination is explicitly consented to by the patient.

(2) The examination is medically related to the planned or performed procedure.

(3) The examination is performed by a learner who has been recognized by the patient as a part of his care team.

(4) The examination is conducted under direct supervision by the educator.

B. Any violation of the provisions of this Section may constitute grounds for adverse action by the medical educational program for any learner and may constitute grounds for adverse licensure action by the appropriate professional licensing board for any licensed individual.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 270

HOUSE BILL NO. 463

BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 47:338.24.5(C) and (E), to enact R.S. 47:338.222, and to repeal R.S. 47:338.24.5(F), relative to the authority of the governing authorities of the city of Crowley and the city of Scott to levy certain taxes; to authorize the governing authority of the city of Crowley, subject to voter approval, to levy and collect a hotel occupancy tax; to authorize the governing authority for the city of Scott to levy and collect an additional sales and use tax; to require voter approval; to provide for an effective date; to provide for the use of the 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. 47:338.24.5(C) and (E) are hereby amended and reenacted and R.S. 47:338.222 is hereby enacted to read as follows:

§338.24.5. City of Scott; authority to levy additional sales and use tax

* * *

C.(1) The sales and use tax shall be imposed by ordinance of the governing authority of the city of Scott and shall be levied upon the sale at retail, the use, lease, or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, all as defined in this Chapter; however, the ordinance imposing the tax shall be adopted only after the proposed tax is approved by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

(2) If approved, the tax shall expire in ten years from its initial levy as provided for in the ballot proposition approved by a majority of the qualified electors voting on the proposition held at an election for that purpose. The tax may be renewed for an additional ten years only after the question of its imposition has been approved by a majority of the qualified electors voting on the proposition held at an election for that purpose prior to the expiration of the initial tax.

* * *

E. The Two-thirds of the proceeds of the tax authorized by this Section shall be used for emergency services provided by the fire and police departments and divided equally between the departments one-third of the proceeds shall be used for parks and recreations, cultural district, economic development, drainage, roads, and bridges.

* * *

§338.222. City of Crowley; hotel occupancy tax; authorization

A.(1) In addition to any other tax levied and collected, the governing authority of the city of Crowley may levy and collect a tax upon the paid occupancy of hotel rooms located within the city. The hotel occupancy tax shall not exceed five percent of the rent or fee charged for such occupancy.

(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, 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 the city of Crowley 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 city 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 terms and conditions it considers 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 city.

D. Except as provided in Subsection C of this Section, the governing authority of the city shall use the proceeds of the tax to promote tourism, recreation, and culture; to promote economic development; and to finance the construction, maintenance, and operation of a convention and conference center and related infrastructure, including the acquisition of property therefor.

Section 2. R.S. 47:338.24.5(F) is hereby repealed.

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

Approved by the Governor, June 11, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 271

HOUSE BILL NO. 469

BY REPRESENTATIVES BEAULLIEU AND GAROFALO
AN ACT

To amend and reenact R.S. 39:33.1(A), (B), and (C), relative to the expenditure limit; to provide for submission of the expenditure limit to the legislature; to

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

provide for the base for determining the expenditure limit; to cap the annual growth of the expenditure limit; to provide for the calculation of the growth factor; to provide for the calculation of state general fund and dedicated funds applicable to the expenditure limit; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:33.1(A), (B), and (C) are hereby amended and reenacted to read as follows:

§33.1. Determination of expenditure limit

A. The commissioner of administration shall submit a calculation for the expenditure limit for the ensuing fiscal year to the Joint Legislative Committee on the Budget ~~no later than thirty-five days prior to each regular session at the same time the executive budget is submitted to the Joint Legislative Committee on the Budget pursuant to R.S. 39:37.~~

B.(1) The expenditure limit for the ensuing fiscal year shall be the expenditure limit for the current fiscal year plus an amount equal to that limit times the growth factor if the growth factor is positive; lesser of the following:

(a) The original calculated expenditure limit for the current fiscal year plus an amount equal to that limit times the lesser of five percent or the growth factor.

(b) The amount appropriated out of the state general fund and dedicated funds for the current fiscal year plus an amount equal to that appropriated amount times the lesser of five percent or the growth factor.(2) The growth factor is defined as the average of the following four indicators:

(a) The average annual percentage rate of change of personal income for Louisiana as defined and reported by the United States Department of Commerce, or its successor agency, for the three calendar years prior to the fiscal year for which the limit is calculated.

(b) The average annual percentage rate of change of the gross domestic product of Louisiana as defined and reported by the United States Department of Commerce, or its successor agency, for the three calendar years prior to the fiscal year for which the limit is calculated.

(c) The average annual percentage rate of change of population for Louisiana as defined and reported by the United States Department of Commerce, or its successor agency, for the three calendar years prior to the fiscal year for which the limit is calculated.

(d) The average annual percentage rate of change of the consumer price index for the South Region as defined and reported by the United States Department of Labor, or its successor agency, for the three calendar years prior to the fiscal year for which the limit is calculated.

(3) The figures used for the calculation of the growth factor shall be those actual or estimated figures most recently reported by the United States Department of Commerce at the time the expenditure limit is submitted to the Joint Legislative Committee on the Budget.

(4) The annual percentage rate of change of personal income for the calendar year immediately preceding the fiscal year for which the expenditure limit is calculated shall be derived by:

(a) Computing the simple average of the available quarterly total personal income estimates for that calendar year;

(b) Dividing that result by the reported annual estimate of total personal income for the calendar year that is two years prior to the fiscal year for which the limit is calculated;

(c) Subtracting 1.0 from the result obtained in Subparagraph (b) of this Paragraph. The calculation of the expenditure limit each fiscal year shall be accompanied by documentation of the methodology and data sources used to determine the rates of change for each factor. Any changes in the methodology used from the prior year calculation shall require review and prior approval of the Joint Legislative Committee on the Budget.

C. After review by the Joint Legislative Committee on the Budget, or its designated staff, the commissioner of administration shall determine the state general fund and designated dedicated funds to include and exclude in the calculation of the state general fund and dedicated funds appropriated in the current fiscal year and the state general fund and dedicated funds applicable to the expenditure limit in accordance with Subsection D of this Section.

* * *

Section 2. Notwithstanding any provision of law to the contrary, no funds received by the state of Louisiana from the federal government related to the COVID-19 crisis shall be included in the calculation of the state general fund and dedicated funds applicable to the expenditure limit.

Section 3. This Act shall take effect and become operative if and when the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 464 of this 2020 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 11, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 272

HOUSE BILL NO. 474

BY REPRESENTATIVES FREEMAN, WRIGHT, BAGLEY, BRYANT,
CARPENTER, WILFORD CARTER, COUSSAN, DAVIS, DUPLESSIS,
GREEN, TRAVIS JOHNSON, LANDRY, LARVADAIN, MARCELLE,

MOORE, NEWELL, PIERRE, SELDERS, STAGNI, THOMPSON, WHITE,
AND WILLARD
AN ACT

To amend and reenact Children's Code Article 603.1, relative to mandatory reporters of child abuse and neglect; to provide relative to the training requirements for certain mandatory reporters; to require teaching and child care providers to complete an annual training on mandatory reporter laws; to provide for the retention of records of completion; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 603.1 is hereby amended and reenacted to read as follows:

Art. 603.1. Required education; reporting child abuse

~~A. Commencing May 1, 2006, every~~ Every person graduating from any teacher preparation program in Louisiana shall have had in his curriculum instruction on the requirements of and how to report suspected child abuse cases pursuant to Children's Code Article 601 et seq., as well as instruction on how to identify the signs and symptoms of child neglect and abuse, including sexual abuse, in order to receive his teacher certification.

B. Teaching or child care providers as defined by Article 603 of this Code shall complete an online training course provided by the Department of Children and Family Services between June first and August thirty-first annually. A record of completion of the course by the teaching or child care provider shall be provided to and retained by each entity at which the teaching or child care provider is employed. The entity at which the teaching or child care provider is employed shall retain a list of all teaching or child care providers who have not complied with the training requirements provided in this Article.

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

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 273

HOUSE BILL NO. 477
BY REPRESENTATIVE IVEY
AN ACT

To amend and reenact R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and 1679(B), and to enact R.S. 39:199.1, relative to technology procurement; to authorize alternative procedures for procurement of certain technology; to provide limitations and requirements; to provide relative to procurement transaction threshold values; to adjust threshold values for price inflation; to provide relative to penalties for intentional violations of the procurement code; to provide relative to the duties and authority of the Joint Legislative Committee on Technology and Cybersecurity and the Joint Legislative Committee on the Budget; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:199.1 is hereby enacted to read as follows:

§199.1. Alternative procedures

Notwithstanding any provision of law to the contrary, an agency shall not be required to follow the procedures provided in this Part or the Louisiana Procurement Code for procurement of software and the hardware used to support the software if the alternative procedures to be used by the agency are approved by the Joint Legislative Committee on Technology and Cybersecurity and the specific procurement is approved by the Joint Legislative Committee on the Budget.

Section 2. R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and 1679(B) are hereby amended and reenacted to read as follows:

§199. Methods of procurement

* * *

E. Method for procuring information technology equipment, software, and maintenance services for public colleges and universities. Notwithstanding any other provisions of this Part, any public college or university may procure, through its purchasing officer, information technology equipment, software, and maintenance services without the advance approval of the office of state procurement when a single expenditure for such materials or combined materials and services does not exceed one hundred fifty thousand dollars.

* * *

§200. General provisions

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

* * *

I. Procurement support. All contracts covered under the provisions of this Chapter, in an amount greater than ~~one hundred two hundred twenty-five~~ thousand dollars, whether for purchase or rental payments or fiscal intermediary services in processing claims of health care providers, or master agreements, but excluding taxes, transportation, and other related services, shall be entered into with the assistance of a procurement support

team as provided in Paragraph (2) of this Subsection and in accordance with guidelines to be published by the state central purchasing agency.

* * *

§1600. Other procurement methods

* * *

E. Negotiation of noncompetitive contracts.

The head of the using agency or the agency procurement officer shall negotiate with the highest qualified persons for sole source or emergency procurements or for professional, personal, or those consulting services ~~for less than fifty thousand dollars qualifying under R.S. 39:1621(A)~~, or those social services qualifying under R.S. 39:1619(B) at compensation which the head of the using agency determines in writing to be fair and reasonable to the state. In making this determination, the head of the using agency shall take into account, in the following order of importance, the professional or technical competence of proposers, the technical merits of proposals, and the compensation for which the services are to be rendered, including fee. Negotiation of consulting services for fifty thousand dollars or more not qualifying under R.S. 39:1621(A) or social services not qualifying under R.S. 39:1619(B) shall be conducted in accordance with R.S. 39:1595(B) hereof.

* * *

§1621. Consulting service contracts

A. Contracts for consulting services which have a total maximum amount of compensation less than ~~fifty seventy-five~~ thousand dollars for a twelve-month period may be awarded without the necessity of competitive bidding or competitive negotiation.

B. Contracts for consulting services which have a total maximum amount of compensation of ~~fifty seventy-five~~ thousand dollars or more for a twelve-month period shall be awarded through a request for proposal process under rules and regulations issued by the office of state procurement. Service requirements shall not be artificially divided so as to exempt contracts from the request for proposal process.

C.(1) All contracts for consulting services which have a total maximum amount of compensation of ~~one hundred forty two hundred twenty-five~~ thousand dollars or more may be entered into with the assistance of a procurement support team as provided herein, and in accordance with guidelines promulgated and published by the office of state procurement.

* * *

§1679. Violations; penalties

* * *

B. Any person who intentionally violates such law, rule or regulation shall be fined not more than ~~five hundred~~ one thousand dollars, or imprisoned for not more than six months, or both.

Section 3. Section 1 of this Act shall take effect and become operative if and when the Act which originated as House Bill No. 636 of this 2020 Regular Session of the Legislature is enacted and becomes effective.

Section 4. Sections 2 through 4 of this Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, Sections 2 through 4 of this Act shall become effective on the day following such approval.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 274

HOUSE BILL NO. 497
BY REPRESENTATIVE IVEY
AN ACT

To enact R.S. 24:513(P), relative to the legislative auditor; to require certain auditees to provide the legislative auditor with electronic access to data; to provide for the payment of costs related thereto; to require the development and approval of a plan relative thereto; to provide for criminal and civil penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(P) is hereby enacted to read as follows:

§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

* * *

P.(1) Upon request, either pursuant to a concurrent resolution adopted by the legislature or a written joint request from the speaker of the House of Representatives and the president of the Senate, an auditee of state government shall provide the legislative auditor with electronic access to a synchronized copy of the data points as they exist in the auditee's system, including those regarding expenditures, revenues, contracts, and financial matters.

(2) The legislative auditor shall utilize this data to perform and fulfill his constitutional and statutory duties as a fiscal advisor to the legislature and to audit the fiscal records of the state and other entities. However, the legislative auditor shall comply with any and all restrictions imposed by law on any of the data received pursuant to this Subsection that is deemed confidential.

privileged, or otherwise restricted, and any reports which use such data shall be released or published only in a manner that maintains any and all such restrictions.

(3) The legislative auditor shall develop a plan for the implementation of this Subsection. The plan shall be subject to the review and approval of the Legislative Audit Advisory Council.

(4) Any costs related to establishing the portals or connectivity necessary for auditees to comply with the requirements of Paragraph (1) of this Subsection shall be subject to the approval of the speaker of the House of Representatives and the president of the Senate.

(5) The provisions of this Subsection shall not apply to the Department of Justice.

(6) The provisions of this Subsection shall not apply to the Department of State.

(7) Nothing in this Subsection shall be construed to require an auditee to provide electronic access to a synchronized copy of data, records, or other information if such data, records, or other information is protected by an attorney-client privilege or if disclosure of such data, records, or other information is prohibited by federal law, rule, or regulation or contractual obligation.

(8) Nothing in this Subsection shall be construed to limit the legislative auditor's access to documents and data in any form authorized by this Section or the requirements imposed upon auditees to produce documents and data requested by the legislative auditor in any form authorized by this Section.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 275

HOUSE BILL NO. 498

BY REPRESENTATIVES EMERSON, AMEDEE, BAGLEY, BEAULLIEU,
GARY CARTER, ROBBY CARTER, DEVILLIER, DESHOTEL,
DUBUISSON, FREEMAN, FRIEMAN, GREEN, HARRIS, HORTON, MIKE
JOHNSON, MCCORMICK, MIGUEZ, MOORE, SELDERS, THOMPSON, AND
WHITE
AN ACT

To enact R.S. 37:23.4, relative to occupational licensing fees; to provide for waiver of fees; to provide for criteria; to provide for payment plans; to provide fee limits; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:23.4 is hereby enacted to read as follows:

§23.4. Waiver of licensing fees; payment plans

A. Licensing boards shall waive any fee charged for an initial license or examination to any individual who is otherwise qualified to receive a license and meets the requirements of either Paragraph (1) or (2) of this Subsection.

(1) Receives public assistance including, but not limited to the following:

(a) Supplemental Nutrition Assistance Program.

(b) Temporary Assistance for Needy Families.

(c) Medicaid.

(d) Disability insurance.

(e) Public housing.

(2) Earns less than two hundred percent of the current federal poverty guidelines as established by the federal office of management and budget, unless the applicant has been in an undergraduate or graduate school full time and unable to work. B. The licensing board shall inform applicants that they may be eligible for a fee waiver by placing notification on the licensing application. In addition to stating that the applicant may be eligible for a fee waiver if he meets certain criteria, the notification is also to include instructions on how the applicant may request further information.

C.(1) Licensing boards shall provide payment plans in lieu of full license and examination fee payments for initial applications and examinations to all individuals who apply, except for an individual who applies for a certificate of license who would otherwise be unqualified pursuant to this Title.

(2) Total fees paid by payment plans shall not exceed the amount an individual paying the full examination and licensing fee would otherwise pay.

(3) An individual who is in good standing with the licensing board and has been provided a payment plan shall have twelve months from the date of the first scheduled payment to pay the account in full. A failure to remit payment in full within the allotted twelve-month period shall result in the individual being denied a renewal of their license.

D. The provisions of this Section shall apply only to licensing boards that directly administer their own examinations.

E. The provisions of this Section shall not apply to a license issued and regulated under the authority of the judicial branch of government.

Section 2. This Act shall become effective on June 30, 2021.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 276

HOUSE BILL NO. 530
BY REPRESENTATIVE ECHOLS
AN ACT

To enact Subpart B-1 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1841 through 1844, relative to payment of claims for services provided through telehealth or telemedicine; to define key terms; to provide for reimbursement for healthcare services provided through remote patient monitoring; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-1 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1841 through 1844, is hereby enacted to read as follows:

SUBPART B-1. MEDICAL CLAIMS FOR SERVICES PROVIDED THROUGH TELEHEALTH AND TELEMEDICINE

§1841. Definitions

For purposes of this Subpart, the following definitions apply:

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

(2) "Medication adherence management services" means the monitoring of a patient's conformance with the healthcare provider's medication plan with respect to timing, dosing, and frequency of medication-taking through electronic transmission of data in a remote patient monitoring services program.

(3) "Platform" means the technology, system, software, application, modality, or other method through which a healthcare provider remotely interfaces with a patient when providing a healthcare service or procedure as a telemedicine medical service or telehealth healthcare service.

(4) "Remote patient monitoring services" means the delivery of healthcare services using telecommunications technology to enhance the delivery of health care, including but not limited to all of the following:

(a) Monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, and other condition-specific data, such as blood glucose.

(b) Medication adherence monitoring.

(c) Interactive video conferencing with or without digital image upload.

(5) "Telehealth" shall have the same meaning as defined in R.S. 40:1223.3 and may include audio-only conversations as provided for in R.S. 40:1223.3(5).

(6) "Telemedicine" shall have the same meaning as defined in R.S. 37:1262, may be provided as described in R.S. 37:1271(B)(4), and may include audio-only conversations as provided for in R.S. 37:1271(B)(4)(b).

§1842. Telemedicine medical services and telehealth healthcare services statement

A.(1) Each issuer of a health coverage plan shall display in a conspicuous manner on the health coverage plan issuer's website information regarding how to receive covered telemedicine medical services, telehealth healthcare services, and remote patient monitoring services.

(2) A link clearly identified on the health coverage plan's issuer's website to the information required pursuant to this Subsection shall be sufficient to meet the requirements of this Section. B. This Section shall not require an issuer of a health coverage plan to display negotiated contract payment rates for healthcare providers who contract with the issuer to provide telemedicine medical services or telehealth healthcare services.

§1843. Remote patient monitoring services

A. The legislature hereby finds all of the following:

(1) Remote patient monitoring services aim to allow more people to remain at home or in other nontraditional clinical settings and to improve the quality and cost of their care, including prevention of more costly care.

(2) The goal of remote patient monitoring services provided through telemedicine or telehealth is to coordinate primary, acute, behavioral, and long-term social service needs for high need, high cost patients.

B. To receive reimbursement for the delivery of remote patient monitoring services through telehealth, all of the following conditions shall be met:

(1) The services shall consist of all of the following:

(a) An assessment, problem identification, and evaluation which includes all of the following:

(i) Assessment and monitoring of clinical data including but not limited to appropriate vital signs, pain levels, and other biometric measures specified in the plan of care and an assessment of responses to previous changes in the plan of care.

(ii) Detection of condition changes based on the telemedicine or telehealth encounter that may indicate the need for a change in the plan of care.

(b) Implementation of a management plan through one or more of the following:

(i) Teaching regarding medication management as appropriate based on the telemedicine or telehealth findings for that encounter.

(ii) Teaching regarding other interventions as appropriate to both the patient and the caregiver.

(iii) Management and evaluation of the plan of care including changes in visit frequency or addition of other skilled services.

(iv) Coordination of care with the ordering healthcare provider regarding the telemedicine or telehealth findings.

(v) Coordination and referral to other healthcare providers as needed.

(vi) Referral for an in-person visit or the emergency room as needed.

(2) The entity that will provide the remote monitoring services shall have protocols in place to address all of the following:

(a) Authentication and authorization of users.

(b) A mechanism for monitoring, tracking, and responding to changes in the patient's clinical condition.

(c) A standard of acceptable and unacceptable parameters for the patient's clinical parameters, which can be adjusted based on the patient's condition.

(d) How monitoring staff will respond to abnormal parameters for the patient's vital signs, symptoms, or lab results.

(e) The monitoring, tracking, and responding to changes in the patient's clinical condition.

(f) The process for notifying the prescribing healthcare provider for significant changes in the patient's clinical signs and symptoms.

(g) The prevention of unauthorized access to the system or information.

(h) System security, including the integrity of information that is collected, program integrity, and system integrity.

(i) Information storage, maintenance, and transmission.

(j) Synchronization and verification of patient profile data.

(k) Notification of the patient's discharge from the remote patient monitoring services or the deinstallation of the remote patient monitoring unit.

C. A health coverage plan may require an authorization request for remote patient monitoring prior to the health coverage plan's approval of coverage for a specified healthcare service.

§1844. Exclusions

The provisions of this Subpart shall not apply to any plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

Section 2.(A) This Act shall become effective on January 1, 2021.

(B) This Act shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2021. Any policy, contract, or health coverage plan in effect prior to January 1, 2021, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2022.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 277

HOUSE BILL NO. 532
BY REPRESENTATIVE JORDAN
AN ACT

To enact Subpart B-1 of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1300.1 through 1300.13, relative to the regulation of peer-to-peer car sharing programs; to provide for the assumption of liability; to provide for the duties of peer-to-peer car sharing programs; to provide for liability policy requirements; to provide for primary liability; to provide for indemnification; to provide for the notification of the effect of liens; to provide for policy exclusions; to provide for the maintenance and disclosure of records; to provide for the exemption of vicarious liability in certain circumstances; to provide for a peer-to-peer car sharing program to have insurable interest; to provide consumer protection disclosures; to provide for the responsibility of special equipment; to provide for safety recall repairs; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-1 of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1300.1 through 1300.13, is hereby enacted to read as follows:

SUBPART B-1. PEER-TO-PEER CAR SHARING PROGRAM ACT

§1300.1. Short Title

This Subpart shall be known and may be cited as the "Peer-to-Peer Car Sharing Program Act". §1300.2. Definitions

Except when a different meaning is expressly stated or clearly indicated by the context, the following terms, as used in this Subpart, have the following meanings:

(1) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

(2) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time and, in either case, ends at the car sharing termination time. "Car sharing period" does not mean rental period,

or similar, as defined in R.S. 22:1762.

(3) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. "Car sharing program agreement" does not mean a rental agreement, automobile rental contract, or similar, as defined in R.S. 22:1523, 1762, or R.S. 47:551.

(4) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

(5) "Car sharing termination time" means the earliest of the following events:

(a) The expiration of the agreed-upon time period established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement.

(b) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program.

(c) When the shared vehicle owner or the shared vehicle owner's authorized designee takes possession and control of the shared vehicle.

(6) "Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. "Peer-to-peer car sharing" does not mean rental motor vehicle, rental vehicle, vehicle, or similar, as defined in R.S. 22:1523 or 1762.

(7) "Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. "Peer-to-peer car sharing program" does not mean a service provider that is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle. "Peer-to-peer car sharing program" does not mean lessor, rental company, or similar, as defined in R.S. 22:1523 or 1762.

(8) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. "Shared vehicle" does not mean rental motor vehicle, rental vehicle, vehicle, or similar, as defined in R.S. 22:1523 or 1762.

(9) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement. "Shared vehicle driver" does not mean lessee, renter, or similar, as defined in R.S. 22:1523 or 1762.

(10) "Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. "Shared vehicle owner" does not mean lessor, rental company, or similar, as defined in R.S. 22:1523 or 1762.

§1300.3. Insurance coverage during car sharing period

A. A peer-to-peer car sharing program shall assume liability, except as provided in Subsection B of this Section, of a shared vehicle owner for bodily injury or property damage to third parties or uninsured or underinsured motorist or personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amount may not be less than those set forth in the Motor Vehicle Safety Responsibility Law, R.S. 32:851 et seq.

B. Notwithstanding the definition of "car sharing termination time" as set forth in R.S. 22:1300.2, the assumption of liability pursuant to Subsection A of this Section:

(1) Does not apply to any shared vehicle owner when:

(a) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred.

(b) A shared vehicle owner acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(2) Does apply to bodily injury, property damage, uninsured or underinsured motorist, or personal injury protection losses sustained by damaged third parties required by the Motor Vehicle Safety Responsibility Law, R.S. 32:851 et seq.

C. A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability policy that provides insurance coverage in amounts equal to or greater than the minimum amounts set forth in R.S. 32:900, and that the policy either:

(1) Specifies that the motor vehicle liability policy provides coverage if the insured vehicle is made available and used by a shared vehicle driver through a peer-to-peer car sharing program.

(2) Does not exclude coverage if the insured vehicle is made available as a shared vehicle and used by a shared vehicle driver in a peer-to-peer car sharing program.

D. The insurance set forth in Subsection C shall be primary during each car sharing period and satisfied by a motor vehicle liability policy maintained by one of the following:

(1) The shared vehicle owner.

(2) The shared vehicle driver.

(3) The peer-to-peer car sharing program.

(4) Any combinations of the persons described in Paragraphs (1) through (3) of this Subsection.

E. The peer-to-peer car sharing program shall assume primary liability for a claim when all of the following criteria are met:

(1) The peer-to-peer car sharing program is providing, in whole or in part, the insurance required pursuant to Subsections C and D of this Section.

(2) A dispute exists as to who was in control of the shared vehicle at the time of the loss.

(3) The peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by R.S. 22:1300.6.

F. The insurer of the shared vehicle shall indemnify the peer-to-peer car sharing program to the extent of its obligation, if any, under the applicable insurance policy, if it is determined that the owner of the shared vehicle was in control of the shared vehicle at the time of the loss.

G. If insurance maintained by a shared vehicle owner or shared vehicle driver pursuant to Subsection D of this Section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by Subsection C of this Section beginning with the first dollar of a claim and have the duty to defend the claim except under circumstances set forth in R.S. 22:1300.7.

H. Coverage under a motor vehicle liability policy maintained by the peer-to-peer car sharing program is not dependent on whether another motor vehicle insurer first denies a claim nor is another motor vehicle insurer required to first deny a claim.

I. Nothing in this Subpart:

(1) Limits the liability of a peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program.

(2) Limits the ability of a peer-to-peer car sharing program to seek indemnification by contract from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(3) Limits the applicability of state dealer franchise laws as set forth in R.S. 32:1251 through 1269.

§1300.4. Notification of implications of lien

When a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before a shared vehicle owner makes a shared vehicle available for sharing on the peer-to-peer car sharing program, a peer-to-peer car sharing program shall notify the shared vehicle owner that if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

§1300.5. Exclusions in motor vehicle liability policy

A. An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability policy, including but not limited to:

(1) Liability coverage for bodily injury and property damage.

(2) Uninsured and underinsured motorist coverage.

(3) Medical payments coverage.

(4) Comprehensive coverage.

(5) Collision coverage.

B. Nothing in this Subpart invalidates or limits an exclusion contained in a motor vehicle liability policy, including any policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire or for any business use.

§1300.6. Recordkeeping; use of vehicle in car sharing

A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a shared vehicle, including but not limited to times used, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner. The peer-to-peer car sharing program shall provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The peer-to-peer car sharing program shall retain the records for at least the length of the liberative prescription period set forth in Civil Code Article 3492.

§1300.7. Exemption; vicarious liability

A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability in accordance with 49 U.S.C. 30106 and pursuant to any state or local law that imposes liability solely based on vehicle ownership.

§1300.8. Contribution against indemnification

A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is both of the following:

(1) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period.

(2) Excluded under the terms of its policy.

§1300.9. Insurable interest

A. Notwithstanding any other provision of law to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period.

B. Nothing in this Section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by R.S. 22:1300.3.

C. A peer-to-peer car sharing program may own and maintain as the named

insured one or more policies of motor vehicle liability insurance that provides coverage for any of the following:

(1) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement.

(2) Any liability of the shared vehicle owner.

(3) Damage or loss to the shared motor vehicle.

(4) Any liability of the shared vehicle driver.

§1300.10. Consumer protections disclosures

Each car sharing program agreement made in this state shall disclose to the shared vehicle owner and the shared vehicle driver all of the following:

(1) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(2) That a motor vehicle liability policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program.

(3) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage.

(4) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver.

(5) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle.

(6) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries.

(7) If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.

§1300.11. Driver's license verification; data retention

A. A peer-to-peer car sharing program shall not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle meets one of the following criteria:

(1) Holds a driver's license issued pursuant to R.S. 32:402 that authorizes the driver to operate vehicles of the same class as the shared vehicle.

(2) Is a nonresident who meets both of the following criteria:

(a) Holds a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the same class as the shared vehicle.

(b) Is at least the same age as that required of a resident to drive vehicles of the same class as the shared vehicle.

(3) Otherwise is specifically authorized by R.S. 32:401 et seq. to drive vehicles of the same class as the shared vehicle.

B. A peer-to-peer car sharing program shall keep record of the following:

(1) The name and address of the shared vehicle driver.

(2) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle.

(3) The place of issuance of the driver's license.

§1300.12. Responsibility for equipment

A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a global positioning system (GPS) system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of the equipment during the car sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

§1300.13. Automobile safety recalls

A. At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(1) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not yet been made.

(2) Notify the shared vehicle owner of the requirements pursuant to Subsection B of this Section.

B.(1) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner shall not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(2) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program as soon as practically possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(3) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practically possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

ACT No. 278

HOUSE BILL NO. 561
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 47:302(K)(7)(b), 337.33(A)(1) and (5), 337.71, 551(B), 1401, 1402(C), (D)(1), (E)(1), and (F), 1403(A)(3), 1407(1), (3), and (7), 1408(D)(1), and 1434(A) and to enact R.S. 47:301(4)(n), 303(I), 337.22(E), 337.33(E), 340(E) (6), 1403(A)(5), and 1431(E), relative to the administration, enforcement, and adjudication of state and local taxes; to provide for certain collection procedures; to provide for the jurisdiction of the Board of Tax Appeals; to provide relative to the timeline for appointments, selection of officers, filling of vacancies, and review of compensation for the Board of Tax Appeals; to provide relative to interagency transfers to the Board of Tax Appeals; to provide relative to the definition of a dealer; to provide relative to definitions and administration of tax related to peer to peer vehicle sharing; to provide for the filing of certain petitions with the Board of Tax Appeals; to provide for the judicial review of decisions of the Board of Tax Appeals; to authorize a local collector to extend a filing or payment deadline under certain circumstances; to require the publication of certain extensions; to require the waiver of penalties under certain circumstances; to provide for certain requirements and limitations; to authorize the filing of certain actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.33(A)(1) and (5), 337.71, 1401, 1402(C), (D)(1), (E)(1), and (F), 1403(A)(3), 1407(1), (3), and (7), 1408(D)(1), and 1434(A) are hereby amended and reenacted and R.S. 47:337.22(E), 337.33(E), 340(E)(6), 1403(A)(5), and 1431(E) are hereby enacted to read as follows:

§337.22. Sales and use tax returns

* * *

E.(1) In the event of a presidential or gubernatorial declared disaster or emergency covering a local collector's jurisdiction, a local collector may elect to extend filing or payment deadlines related to the taxes collected pursuant to the provisions of this Chapter until the extended date for the same period specified for state sales and use taxes for the same period. Whenever an extension is granted by the local collector pursuant to this Subsection, interest and penalties shall not accrue on the tax during the period of the extension provided that the return and payment are received by the extended due date. Any decision to adopt an extension pursuant to this Subsection shall be provided to the Louisiana Uniform Local Sales Tax Board for publication on its website.

(2) The authority granted in this Subsection shall be in addition to any other authority provided by this Chapter.

* * *

§337.33. Failure to pay tax; rule to cease business

A.(1) On motion in a court of competent jurisdiction, the collector may take a rule on a taxpayer, to show cause in not less than two or more than ten days, exclusive of holidays, why the taxpayer should not be ordered to cease from further pursuit of his business for failure to pay to the taxing authority amounts collected from others by his business as sales and use tax, along with any interest, penalty, and costs related to such tax. Such rule may be taken only for amounts due as a result of assessments or judgments which have become final and nonappealable or for amounts shown to have been actually collected from others and not remitted to the collector.

* * *

(5) The collection procedure provided for in this Subsection shall be in addition to any other collection procedure provided by law. When issuing an order pursuant to this Subsection, the Board of Tax Appeals or any court of competent jurisdiction, upon proper showing, may also render a money judgment against the taxpayer and in favor of the collector in the amount of any final and ~~non-appealable~~ nonappealable assessment or other amount shown to have been actually collected from others and not remitted to the collector, together with all penalties, interest, attorney fees and costs due.

* * *

E. Neither the collector's consent to a continuance request nor the collector's failure to object to the date that any court or the Board of Tax Appeals sets for the hearing date of a rule brought pursuant to the provisions of this Section shall be considered a waiver of the collector's right to proceed pursuant to the provisions of this Section nor be deemed to convert a summary proceeding into an ordinary proceeding.

* * *

§337.71. Waiver of penalty for delinquent filing or delinquent payment

A. If the failure to make any return at the time such return becomes due or the filing of a return without remittance of the full amount due is attributable not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the collector, the collector may remit or waive payment of the whole or any part of the specific penalty provided for such failure.

B. Notwithstanding the provisions of Subsection A of this Section, a

taxpayer is eligible for a penalty waiver if the taxpayer establishes to the local collector that his failure to file during the period of a presidential or gubernatorial declared disaster or emergency was due to the inaccessibility of funds to pay the tax, the unavailability of records or personnel necessary to prepare and file the return, or other related good cause stemming from the extension of related state sales and use tax filing deadlines.

* * *

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

* * *

E.

* * *

(6)(a) The commission is authorized to enter into a cooperative endeavor agreement for the purposes specified in R.S. 47:1439(F)(3), and any payments due pursuant thereto shall be added to any amounts due pursuant to Paragraph (5) of this Subsection.

(b) Any amount due pursuant to this Paragraph or Paragraph (5) of this Subsection shall be in addition to any amounts otherwise retained pursuant to Paragraph (3) of this Subsection.

* * *

§1401. Creation of Board of Tax Appeals

In order to provide effect to the provisions of Article V, Section 35 and Article VII, Section 3(A) of the Constitution of Louisiana, a board that will ~~act as an appeal board~~ to hear and decide, at a minimum of expense to the taxpayer, questions of law and fact arising from disputes or controversies between a taxpayer and any collector of the State state of Louisiana or its political subdivisions in the enforcement of any tax, excise, license, permit or any other tax, fee, penalty, receipt or other law administered by a collector, and to exercise other jurisdiction as provided by law, including jurisdiction as provided for in the Uniform Local Sales Tax Code, the Board of Tax Appeals, hereinafter referred to as the "board", is created as an independent agency ~~in the Department of State Civil Service~~, and for the purposes of this Chapter. The Local Tax Division is created as an independent agency and authority within the board for the purposes of exercising jurisdiction over disputes involving local collectors.

§1402. Membership of board; qualifications; appointment; term; vacancy; salary

* * *

C. The governor shall make the following appointments on or before September 1, 2014: one member with a term expiring February 1, 2016, and one member with a term expiring February 1, 2018. The successor to the member whose term expires pursuant to this Section on February 1, 2020 shall be appointed to a term expiring January 1, 2024, and the successor to the member whose term expires February 1, 2022 shall be appointed to a term expiring January 1, 2026. Any subsequent appointments pursuant to this Subsection shall be for either a fixed term of four years from the date of the expiration of the expired term or for the remainder of an unexpired term.

D.(1) On or before August 1, 2014, the governor shall appoint one member to a term expiring February 1, 2020, from a list of qualified nominees provided by the nominating committee established pursuant to this Subsection. The successor to that member shall be appointed to a term expiring January 1, 2026. Any subsequent appointments pursuant to this Subsection shall be for either a fixed term of six years from the date for expiration of the expired term or for the remainder of an unexpired term. An appointment pursuant to the provisions of this Subsection shall be made within ninety days of written notice of the nomination.

* * *

E.(1) A Notwithstanding any provision of law to the contrary, a board member shall continue to serve until a successor has been appointed. No member may be removed during an unexpired except by induction into office of a successor, duly appointed and qualified pursuant to this Section, upon expiration of a term of office except or for good cause shown, which shall be subject to judicial review.

* * *

F. ~~The governor shall establish the compensation to be paid to members of the board, including any additional compensation for its officers, shall be continued. Beginning January 1, 2024, the board's regular salary shall be subject to review and recommendation by the Judicial Compensation Commission. Any recommendation issued shall become effective only upon approval by the legislature. Annual adjustments related to reimbursement of expenses or per diem may be approved by the supreme court. A member's compensation shall not be reduced during his unexpired term of office.~~

§1403. Designation of officers; domicile; quorum; seal

A.

* * *

(3) The member appointed pursuant to R.S. 47:1402(D) shall be the hearing judge of the Local Tax Division of the board. For the purposes of the Local Tax Division, the judge shall exercise all jurisdiction, authority, and powers of the board and its chairman, including the hearing of cases to be adjudicated in the division and the rendering of orders and judgments in such cases. The remainder of the board may temporarily exercise these functions during any vacancy in this appointment, but may not hear and render judgment in a case in the division only if this appointment remains vacant for more than ninety days.

* * *

(5) In the event of a vacancy lasting more than ninety days, the supreme court

is authorized to make assignments or appointments in the same manner as authorized pursuant to Article V, Section 5(A) of the Constitution of Louisiana, and any ad hoc judge so assigned shall receive the compensation specified in this chapter for ad hoc appointment due to recusal.

* * *

§1407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

(1) All matters relating to appeals for the redetermination of assessments, or for the determination of overpayments, or payment under protest petitions, or other matters within its jurisdiction, as provided in R.S. 47:1431 through 1438 or other applicable law.

* * *

(3) All matters related to state or local taxes or fees, or other jurisdiction otherwise provided by law, including rules to cease business, ordinary collection suits, summary tax proceedings, rules to seek uniformity of interpretation of common sales and use tax law or local sales and use tax law, as provided in R.S. 47:337.101(A)(2), and petitions concerning the validity of a collector's rules, regulations, or private letter rulings, as provided in R.S. 47:337.102.

* * *

(7) A petition for declaratory judgment or other action related to the constitutionality of a law or ordinance or validity of a regulation concerning any matter relating to any state or local tax or fee excluding those tax matters within the jurisdiction of the Louisiana Tax Commission pursuant to the provisions of Article VII, Section 18(E) of the Constitution of Louisiana.

* * *

§1408. Power to administer oaths and issue rules, orders, or subpoenas

* * *

D.(1) An action may be brought in the Board of Tax Appeals pursuant to the provisions of R.S. 47:314, ~~337.33(A)~~ 337.33, 337.43, 1547, 1574.1, or 1582, and the provisions of those Sections shall apply to the Board of Tax Appeals and its Local Tax Division in the same manner as for a district court. In addition to the remedies otherwise provided for in this Section, any interested party may file a motion or rule in any court of competent jurisdiction alleging a violation of any order issued by the board or its local tax judge pursuant to applicable law, and the district court shall consider any violation shown to be a contempt of the court and shall immediately punish the violator in accordance with R.S. 13:4611(1) and all other applicable laws for contempt of court.

* * *

§1431. ~~Taxpayer's petition~~ Filing of petition

* * *

E. Any collector, taxpayer, or other aggrieved party may file a petition or pleading with the board concerning any matter provided for pursuant to R.S. 47:1407(3) or other applicable law. The Louisiana Uniform Local Sales Tax Board may file an action for uniformity pursuant to R.S. 47:337.101 in the same manner as a local collector.

* * *

§1434. Judicial review of decision of the board

A. Within thirty days of mailing the notice of the signing of a decision or judgment of the board, any party may file a motion with the board for review of the decision or judgment by the appropriate appellate court. The date of actual receipt of a hand-delivered notice shall be deemed the date of mailing in the event the notice of judgment is hand delivered in lieu of mailing.

* * *

Section 2. R.S. 47:302(K)(7)(b) and 551(B) are hereby amended and reenacted and R.S. 47:301(4)(n) and 303(I) are hereby enacted to read as follows:

§301. Definitions

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

* * *

(4) "Dealer" includes every person who manufactures or produces tangible personal property for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in a taxing jurisdiction. "Dealer" is further defined to mean:

* * *

(n)(i) Any person who operates, maintains, or facilitates a peer-to-peer vehicle sharing program and collects any amount required to be paid as part of a vehicle sharing program agreement whereby a shared vehicle owner leases or rents a shared vehicle to a shared vehicle driver in this state.

(ii) For the purposes of this Subparagraph, the following definitions shall apply:

(aa) "Vehicle sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer vehicle sharing program.

(bb) "Peer-to-peer vehicle sharing" means the authorized use of a vehicle by a person other than the vehicle's owner through a peer-to-peer car sharing program.

(cc) "Peer-to-peer vehicle sharing program" means a business platform that connects a shared vehicle owner with a shared vehicle driver to enable the sharing of vehicles for financial consideration.

(dd) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer vehicle sharing program.

(ee) "Shared vehicle driver" means a person who has been authorized to drive the shared vehicle by the shared vehicle owner under a vehicle sharing program agreement.

(ff) "Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a shared vehicle made available for sharing to shared vehicle drivers through a peer-to-peer vehicle sharing program.

* * *

§302. Imposition of tax

* * *

K. An additional tax shall be levied as follows:

* * *

(7)

* * *

(b) The amount specified in Item (a)(i) of this Paragraph as transferred to the Department of State Civil Service, Board of Tax Appeals, shall be increased by fifty-five thousand dollars on July 1, 2015, by thirty-two thousand dollars on July 1, 2016, and by five thousand dollars on the first day of each of the six subsequent fiscal years. The amounts specified in this Subparagraph and Subparagraph (a) of this Paragraph shall be transferred by the secretary within the first thirty days of each fiscal year and the Department of State Civil Service, Board of Tax Appeals, may retain all funds which that are transferred as directed in this Subparagraph and Subparagraph (b) of this Paragraph.

* * *

§303. Collection

* * *

I. The state sales tax collected by dealers as defined in R.S. 47:301(4)(n) shall be filed and paid electronically to the secretary.

* * *

§551. Imposition of tax

* * *

B. (1) The tax shall be payable to the secretary of the Department of Revenue. The tax shall be collected and payment enforced pursuant to the provisions of Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 insofar as such provisions are not in conflict with this Section. The secretary is authorized to promulgate rules and regulations necessary for the proper administration and enforcement of this Chapter.

(2) The state and local taxes levied pursuant to Subsection (A) of this Section shall be filed and paid electronically to the secretary by dealers as defined in R.S. 47:301(4)(n).

* * *

Section 3. The provisions of this Section and Section 1 of this Act shall be effective July 1, 2020. The provisions of Section 2 of this Act shall be effective on January 1, 2021.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 279

HOUSE BILL NO. 590

BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON

AN ACT

To amend and reenact R.S. 33:4712.18, relative to the donation of equipment and personnel between political subdivisions; to require a written agreement between political subdivisions; to identify the requirements of the written agreement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4712.18 is hereby amended and reenacted to read as follows:

§4712.18. Sharing Donation of the use of equipment and utilization of personnel between public entities political subdivisions

A.(1) ~~Notwithstanding any other provisions of law to the contrary, As set forth in Article 7, Section 14(B)(14) of the Constitution of Louisiana, public entities political subdivisions may share donate the use of public equipment and the utilization of personnel with to another public entity political subdivision for an activity or function the requesting political subdivision is authorized to exercise, without having to expend funds for such use, provided that both entities have executed a cooperative endeavor written agreement for the use of the equipment or utilization of personnel.~~

(2) The ~~cooperative endeavor written~~ agreement shall set forth in reasonable detail the obligations of the parties and shall: the following:

(a) Identify the equipment that will be shared.

(b) Explain the use of the equipment and the approximate length of time for use of the equipment by the requesting public entity political subdivision

(c) ~~Address~~ Provide for the responsibility for repairing or replacing the equipment when the equipment becomes inoperable for its intended use due to a mechanical or other breakdown while in the possession of the requesting public entity political subdivision.

(d) Include a hold harmless provision releasing the lending public entity political subdivision from expenses, damages, or losses arising from the use of the equipment.

(e) Provide for responsibility to maintain in force and effect any and all compulsory policies of insurance mandated by state law.

(3) With respect to personnel, the written agreement shall provide:

- (a) Identity and employment position of employee.
- (b) Delineation of responsibility for worker's compensation and employment liability insurance coverage.
- (c) Responsible entity for issuance of pay and reporting of earnings to appropriate federal and state authorities.
- (d) Whether the employee is a direct or borrowed employee of the respective political subdivisions.
- (e) Include hold harmless and indemnification provision relating to damages arising out of or connected with the activities of the employee.

(4) The donor shall provide an estimate of the value of the donation.
 (3)(a) ~~When an emergency situation is declared and public entities need to share equipment, the provisions of Paragraph (1) of this Subsection are not required, provided the public entities share the equipment in good faith relative to the emergency situation.~~

(b) ~~The Governor's Office of Homeland Security and Emergency Preparedness may coordinate the sharing of equipment between the public and private entities in order to meet the needs of an emergency or disaster pursuant to R.S. 29:724.~~

B. ~~For the purposes of this Section, "public entities" means: (a) state boards, agencies or commissions, parishes, municipalities, city parish, and other local school boards and districts, levee boards and districts, port boards and commissions, port, harbor, and terminal and industrial districts, drainage and land reclamation districts, all special service districts including but not limited to road, water, sewage, fire protection, recreation, hospital service, and gas utility districts; (b) all other political subdivisions, special authorities, commissions, public trusts, and boards heretofore or hereafter created by or pursuant to the constitution or statutes of the state, any laws incorporated into or ratified or confirmed by the constitution, or general or special charters of any parish or municipality; and (c) all other units of local government created by or governed by the governing authorities of parishes or municipalities.~~

C. B. The provisions of R.S. 33:2337 and 2338 shall supercede supersede and control in the event of conflict with the provisions of this Section.

Approved by the Governor, June 11, 2020.

A true copy:
 R. Kyle Ardoin
 Secretary of State

ACT No. 280

HOUSE BILL NO. 591
BY REPRESENTATIVES LARVADAIN, WILFORD CARTER, AND COX
AN ACT

To amend and reenact R.S. 40:2018.3(A) and (B)(1), (2), and (9), relative to the composition of the Louisiana Sickle Cell Commission; to provide for appointments for members to the commission; to provide for additional members to serve on the commission; to provide a meeting location for the commission meetings to take place; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2018.3(A) and (B)(1), (2), and (9) are hereby amended and reenacted to read as follows:

§2018.3. Louisiana Sickle Cell Commission

A. There shall be established within the Louisiana Department of Health a commission designated the "Louisiana Sickle Cell Commission", composed of ~~eleven~~ seventeen members as provided in Subsection B of this Section.

B.(1) ~~Eight~~ Thirteen members shall be appointed by the governor, subject to Senate confirmation, ~~from a list submitted by each of the following organizations as follows:~~

(a) ~~A representative~~ One member from a list of nominees submitted by the Sickle Cell Center of Southern Louisiana, Tulane University School of Medicine.

(b) ~~A representative~~ One member from a list of nominees submitted by Children's Hospital, New Orleans.

(c) ~~A representative~~ One member from a list of nominees submitted by the Louisiana Primary Care Association.(d) ~~A representative~~ One member from a list of nominees submitted by the Sickle Cell Association of South Louisiana ~~The Baton Rouge Sickle Cell Anemia Foundation, Inc.~~

(e) ~~A representative~~ One member from a list of nominees submitted by the Northeast Louisiana Sickle Cell Anemia Technical Resource Foundation, Inc.

(f) ~~A representative~~ One member from a list of nominees submitted by the Sickle Cell Disease Association of America, Inc., Northwest Louisiana Chapter.

(g) ~~A representative~~ One member from a list of nominees submitted by the Sickle Cell Anemia Research Foundation, Alexandria.

(h) ~~A representative~~ One member from a list of nominees submitted by the Southwest Louisiana Sickle Cell Anemia, Inc.

(i) ~~Five members~~ from a list of nominees submitted by the Louisiana Department of Health; two of whom shall be persons diagnosed with sickle cell disease, one of whom shall be a parent of a person diagnosed with sickle cell disease, and two of whom shall be medical professionals who provide treatment and care to patients diagnosed with sickle cell disease.

(2) ~~The secretary of the Louisiana Department of Health, or his designee.~~
Two of the members shall be as follows:

- (a) The secretary of the Louisiana Department of Health or his designee.
- (b) The Medicaid director of the Louisiana Department of Health or his designee.

* * *

(9) ~~The commission shall hold at least four regular meetings each year. The commission shall meet at locations that rotate throughout the state, as determined by the chairman, to provide ease of travel for the members of the commission. at the Louisiana Department of Health headquarters in Baton Rouge.~~

* * *

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

Approved by the Governor, June 11, 2020.

A true copy:
 R. Kyle Ardoin
 Secretary of State

ACT No. 281

HOUSE BILL NO. 594
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact Civil Code Article 811 and Code of Civil Procedure Articles 4607, 4621, 4622, 4624, 4625, 4626, 4627, 4629, and 4643 and to enact Code of Civil Procedure Article 4626.1, relative to property; to provide for partitions by private sale; to provide for absentee co-owners; to provide for publication notice; to provide for petitions, trials, and judgments of partitions by private sale; to provide for the appointment of an attorney; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 811 is hereby amended and reenacted to read as follows:

Art. 811. Partition by licitation or by private sale

When the thing held in indivision is not susceptible to partition in kind, the court shall decree a partition by licitation or by private sale and the proceeds shall be distributed to the co-owners in proportion to their shares. In the event that one or more of the co-owners are absentees or have not consented to a partition by private sale, the court may set the terms of the sale and order a partition by private sale.

Section 2. Code of Civil Procedure Articles 4607, 4621, 4622, 4624, 4625, 4626, 4627, 4629, and 4643 are hereby amended and reenacted and Code of Civil Procedure Article 4626.1 is hereby enacted to read as follows:

Art. 4607. Partition by licitation or by private sale

When a partition is to be made by licitation, the sale shall be conducted at public auction and after the advertisements required for judicial sales under execution. When a partition is to be made at private sale without the consent of all co-owners, the sale shall be for not less than two-thirds of the appraised value of the property and shall be made by a court-appointed representative, who may be a co-owner, after the advertisements required for judicial sales under execution are made. All counsel of record, including curators appointed to represent absentee defendants, and persons appearing in proper person shall be given notice of the sale date. At any time prior to the sale, the parties may agree upon a nonjudicial partition.

* * *

Art. 4621. Partition by licitation or private sale

When one of the co-owners of property sought to be partitioned is an absentee, the partition may be effected by licitation or by private sale, as provided in this Chapter, whether the property is divisible in kind or not.

Art. 4622. Petition

The petition for the partition of property in which an absentee owns an interest, under the articles of this Chapter, shall allege the facts showing that the absent and unrepresented defendant is an absentee, as defined in Article 5251, shall describe the property sought to be partitioned and allege the ownership interests thereof, and shall be supported by an affidavit of the petitioner or of his counsel that the facts alleged in the petition are true. If the partition is to be made by private sale, the petition shall describe the primary terms of the proposed sale, identify the proposed purchaser, if any, disclose whether the proposed purchaser is related to any co-owner, and disclose to the petitioning co-owners whether any costs associated with the sale will be paid to any person related to the petitioning co-owners within the fourth degree or a juridical entity in which the co-owner has a direct or indirect financial interest.

* * *

Art. 4624. Publication of notice

Notice of the institution of the proceeding shall be published at least once in the parish where the partition proceeding is instituted, in the manner provided by law. This notice shall set forth the title and docket number of the proceeding, the name and address of the court, ~~and~~ a description of the property sought to be partitioned, and the terms of the private sale and shall notify the absent defendant that the plaintiff is seeking to have the property

partitioned by licitation or by private sale, and that the absent defendant has fifteen days from the date of the publication of notice, or of the initial publication of notice if there is more than one publication, to answer the plaintiff's petition.

Art. 4625. Trial; judgment ordering sale

Except as otherwise provided in Article 4630, if the petitioner proves on the trial of the proceeding that he is a co-owner of the property and entitled to the partition thereof and that the defendant is an absentee who owns an interest therein, the court shall render judgment ordering either the public sale of the property for cash by the sheriff to effect a partition, after the advertisement required by law for a sale under execution; or the private sale of the property for cash by the court-appointed representative to effect a partition, after the advertisement required by law for a sale under execution.

The judgment shall determine the absentee's share in the proceeds of the sale, and award a reasonable fee to the attorney appointed to represent him to be paid from the absentee's share of the proceeds of the sale.

Art. 4626. Judgment ordering reimbursement or payment of amounts due co-owner out of proceeds of public sale

A judgment ordering the public sale of property to effect a partition under the provisions of this Chapter shall order, out of the proceeds of such sale, all of the following:

(1) The reimbursement to a co-owner of the amount proven to be due him the co-owner for the payment of taxes on the property, and the expenses of preservation thereof, and of the property.

(2) The payment to a co-owner of the amount proven to be due him the co-owner by another co-owner who has received and retained the fruits and revenues of the property. Art. 4626.1. Judgment ordering reimbursement or payment of amounts due co-owner and payment and allocation of costs of private sale out of proceeds of sale

A judgment ordering the private sale of property to effect a partition under the provisions of this Chapter shall order, out of the proceeds of such sale, all of the following:

(1) The reimbursement to a co-owner of the amount proven to be due the co-owner for the payment of taxes on the property and the expenses of preservation of the property.

(2) The payment to a co-owner of the amount proven to be due the co-owner by another co-owner who has received and retained the fruits and revenues of the property.

(3)(a) The payment of reasonable costs related to the sale, including real estate commissions, brokerage fees, appraisal costs, payments associated with the release of encumbrances and other customary closing costs, and the allocation of such costs to one or more co-owners.

(b) The court in rendering judgment shall consider whether the costs associated with the sale will be paid to any person related to the co-owners within the fourth degree or a juridical entity in which the co-owner has a direct or indirect financial interest.

Art. 4627. Effect of judgment and sale

The judgment ordering the public sale or private sale of the property to effect a partition, and the sale made in compliance therewith, has the same force and effect as to the absentee, his succession representative and heirs, as if he had been served personally with process and the judgment had been rendered against him personally. Thereafter, the absentee, his succession representative and heirs are precluded from asserting any right, title, or interest in the property partitioned.

* * *

Art. 4629. Articles applicable to partition by licitation or private sale

Article 4603, the first paragraph of Article 4605, and Articles 4607 and 4614 are applicable to a partition by licitation or a partition by private sale under the provisions of this Chapter.

* * *

Art. 4643. Appointment of attorney for incompetent when interests conflict

In any partition of property, whether in kind, or by licitation, or by private sale, and whether judicial or conventional, of which an incompetent is a co-owner, and the interests of the incompetent conflict with those of his legal representative, undertutor, or undercurator, as the case may be, the court shall appoint an attorney at law to represent and act for the incompetent in the partition. If two or more incompetent co-owners whose interests conflict have the same legal representative, undertutor, or undercurator, the court shall appoint an attorney at law to represent and act for each of these incompetents in the partition.

For the purposes of the partition, the attorney at law so appointed shall act in lieu of, and has all of the power and authority of, the legal representative, undertutor, or undercurator referred to in the first paragraph hereof.

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

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 282

HOUSE BILL NO. 607 BY REPRESENTATIVE HODGES AN ACT

To amend and reenact R.S. 32:431.1(E)(2) and (3), relative to documentation of school attendance for a minor's application for certain driver's licenses; to authorize the presentation of documentation of school attendance by a minor's parents or legal guardians; to provide for the documentation evidencing the requirements for an emancipated minor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:431.1(E)(2) and (3) are hereby amended and reenacted to read as follows:

§431.1. School attendance as condition of driving privileges; authorized local policy

* * *

E. Documentation of school attendance.

* * *

(2) The minor, his parents, or legal guardians shall present such documentation of his compliance to the office of motor vehicles upon application for or renewal of a driver's permit, which shall include the temporary instruction permit and learner's permit, or license to operate a motor vehicle.

(3) Documentation of the minor's compliance with Subsection B of this Section shall be provided on a form developed by the Department of Education and made available to all school boards, home school providers, and adult education supervisors upon request to the Department of Education in a signed statement to the department attesting to compliance. The documentation shall be provided by the parent or guardian of a seventeen year old first time applicant for a Class "E" license. However, if the first time applicant for a Class "E" license is seventeen years of age and emancipated, the applicant shall provide the signed attestation confirming compliance with Subsection B of this Section for himself, provided that the applicant has proof of emancipation and the necessary identifying information and documents. Such documentation of the minor's compliance with Subsection B of this Section shall be valid for a period of ninety days from the date of issuance.

* * *

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 283

HOUSE BILL NO. 614 BY REPRESENTATIVE SEABAUGH AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact Chapter 21 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2501 through 2511, relative to data security for persons regulated by the commissioner of insurance; to define key terms; to require licensees to maintain an information security program; to provide for the investigation of data security breaches; to require notification of data security breaches; to provide for the confidentiality of certain information; to authorize penalties for violations; to provide for defenses; to establish a public records exception; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 21 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:2501 through 2511, is hereby enacted to read as follows:

CHAPTER 21. INSURANCE DATA SECURITY

§2501. Short title

This Chapter shall be known and may be cited as the "Insurance Data Security Law".

§2502. Purpose and intent

A. This Chapter establishes the exclusive standards for this state applicable to licensees for data security, the investigation of a cybersecurity event, and notification to the commissioner. B. This Chapter shall not be construed to create or imply a private cause of action for violation of its provisions nor shall it be construed to curtail a private cause of action that would otherwise exist in the absence of this Chapter.

§2503. Definitions

As used in this Chapter, the following definitions apply:

(1) "Authorized individual" means a natural person known to and screened by a licensee and determined to be necessary and appropriate to have access to the nonpublic information held by a licensee and its information systems.

(2) "Consumer" means a natural person who is a resident of this state and whose nonpublic information is in a licensee's possession, custody, or control.

(3)(a) "Cybersecurity event" means an event resulting in unauthorized access to or disruption or misuse of an information system or nonpublic information stored on an information system.

(b) "Cybersecurity event" shall not include either of the following:

(i) The unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without

authorization.

(ii) An event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(4) "Encrypted" means the transformation of data into a form that has a low probability of assigning meaning without the use of a protective process or key.

(5) "Information security program" means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

(6) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic nonpublic information. "Information system" shall include any specialized system such as industrial or process controls systems, telephone switching and private branch exchange systems, and environmental control systems.

(7)(a) "Licensee" means any person licensed, authorized to operate, or registered or required to be licensed, authorized, or registered pursuant to the insurance laws of this state.

(b) "Licensee" shall not include either of the following:

(i) A purchasing group or a risk retention group chartered and licensed in a state other than this state.

(ii) A person that is acting as an assuming insurer that is domiciled in another state or jurisdiction.

(8) "Multi-factor authentication" means authentication through verification of at least two of the following types of authentication factors:

(a) Knowledge factors, such as a password.

(b) Possession factors, such as a token or text message on a mobile phone.

(c) Inherence factors, such as a biometric characteristic.

(9) "Nonpublic information" means electronic information that is not publicly available information and is any of the following:

(a) Any information concerning a consumer which because of name, number, personal mark, or other identifier can be used to identify a consumer, in combination with any one or more of the following data elements:

(i) Social Security number.

(ii) Driver's license number or nondriver identification card number.

(iii) Financial account number or credit or debit card number.

(iv) Any security code, access code, or password that would permit access to a consumer's financial account.

(v) Biometric records.

(b) Any information or data, except age or gender, in any form or medium created by or derived from a healthcare provider or a consumer, that can be used to identify a particular consumer, and that relates to any of the following:

(i) The past, present, or future physical, mental, or behavioral health or condition of any consumer.

(ii) The provision of health care to any consumer.

(iii) Payment for the provision of health care to any consumer.

(10) "Person" means any natural person or any nongovernmental juridical person.

(11) "Publicly available information" means any information that a licensee reasonably believes is lawfully made available to the general public when all of the following occur:

(a) The information is available to the general public from any of the following sources:

(i) Federal, state, or local government records.

(ii) Widely distributed media.

(iii) Disclosures to the general public required to be made by federal, state, or local law.

(b) A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine all of the following:

(i) That the information is of a type that is available to the general public.

(ii) That a consumer who can direct that the information not be made available to the general public has not done so.

(12) "Risk assessment" means the risk assessment that each licensee is required to conduct pursuant to R.S. 22:2504(C).

(13) "Third-party service provider" means a person, not otherwise defined as a licensee, who contracts with a licensee to maintain, process, store, or otherwise have access to nonpublic information through its provision of services to the licensee.

§2504. Information security program

A. A licensee shall develop, implement, and maintain a comprehensive, written information security program which satisfies all of the following criteria:

(1) Is based on the licensee's risk assessment.

(2) Contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee's information system.

(3) Is commensurate with all of the following:

(a) Size and complexity of the licensee.

(b) Nature and scope of the licensee's activities including its use of third-party service providers.

(c) Sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control.

B. A licensee's information security program shall be designed to do all of the following:

(1) Protect the security and confidentiality of nonpublic information and the security of the information system.

(2) Protect against any threats or hazards to the security or integrity of nonpublic information and the information system.

(3) Protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to any consumer.

(4) Define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction when no longer needed.

C. A licensee shall conduct a risk assessment by doing all of the following:

(1) Designate one or more employees, an affiliate, or an outside vendor to act on behalf of the licensee and to be responsible for the information security program.

(2) Identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including the security of information systems and nonpublic information that are accessible to or held by third-party service providers.

(3) Assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of the nonpublic information.

(4) Assess the sufficiency of policies, procedures, information systems, and other safeguards in place to manage these threats, including consideration of threats in each relevant area of the licensee's operations, including all of the following:

(a) Employee training and management.

(b) Information systems, including network and software design, as well as information classification, governance, processing, storage, transmission, and disposal.

(c) Detecting, preventing, and responding to attacks, intrusions, or other systems failures.

(5) Implement information safeguards to manage the threats identified in its ongoing assessment, and, no less than annually, assess the effectiveness of the safeguards' key controls, systems, and procedures.

D. Based on the licensee's risk assessment, a licensee shall do all of the following:

(1) Design an information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including the use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control.

(2) Implement all of the following security measures that the licensee determines are appropriate:

(a) Place access controls on information systems, including controls to authenticate and permit access only to authorized individuals to protect against the unauthorized acquisition of nonpublic information.

(b) Identify and manage the data, personnel, devices, systems, and facilities that enable the organization to achieve business purposes in accordance with their relative importance to business objectives and the organization's risk strategy.

(c) Restrict physical access to nonpublic information to authorized individuals.

(d) Protect by encryption or other appropriate means all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media.

(e) Adopt secure development practices for in-house developed applications used by the licensee and procedures for evaluating, assessing, or testing the security of externally developed applications used by the licensee.

(f) Modify the information system in accordance with the licensee's information security program.

(g) Use effective controls, which may include multifactor authentication procedures for any individual accessing nonpublic information.

(h) Regularly test and monitor systems and procedures to detect actual and attempted attacks on or intrusions into information systems.

(i) Include audit trails within the information security program designed to detect and respond to cybersecurity events and designed to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee.

(j) Implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage or other catastrophes or technological failures.

(k) Develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format.

(3) Include cybersecurity risks in the licensee's enterprise risk management process.

(4) Stay informed regarding emerging threats or vulnerabilities.

(5) Use reasonable security measures when sharing information relative to the character of the sharing and the type of information shared.

(6) Provide its personnel with cybersecurity awareness training that reflects current risks identified by the licensee in the risk assessment.

E. If a licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum, require a licensee's executive management or its delegates to do all of the following:

(1) Develop, implement, and maintain the licensee's information security program.

(2) Report in writing, at least annually, all of the following information:

(a) The overall status of the information security program and the licensee's

compliance with this Chapter.

(b) Material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and management's responses thereto, and recommendations for changes in the information security program.

(3) If executive management delegates any of the responsibilities provided for in this Section, management shall oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegates and shall receive a report from the delegates complying with the requirements of the report to the board of directors above.

F. With regard to third-party service providers, a licensee shall do all of the following:

(1) Exercise due diligence in selecting a third-party service provider.

(2) Require third-party service providers to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to or held by the third-party service provider.

G. A licensee shall monitor, evaluate, and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information, and the licensee's own changing business arrangements, including but not limited to mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems.

H.(1) As part of its information security program, each licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises the confidentiality, integrity, or availability of nonpublic information in its possession, the licensee's information systems, or the continuing functionality of any aspect of the licensee's business or operations.

(2) The incident response plan shall address all of the following:

(a) The internal process for responding to a cybersecurity event.

(b) The goals of the incident response plan.

(c) The definition of clear roles, responsibilities, and levels of decisionmaking authority.

(d) External and internal communications and information sharing.

(e) Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls.

(f) Documentation and reporting regarding cybersecurity events and related incident response activities.

(g) The evaluation and revision of the incident response plan, as necessary, following a cybersecurity event.

I.(1) Annually, each insurer domiciled in this state shall submit to the commissioner a written statement by February 15, certifying that the insurer is in compliance with the requirements set forth in R.S. 22:2504.

(2) Each insurer shall maintain for examination by the commissioner all records, schedules, and data supporting the certificate for a period of five years.

(3) To the extent an insurer identifies areas, systems, or processes that require material improvement, update, or redesign, the insurer shall document the identification and the remediation efforts planned and underway to address the areas, systems, or processes. The documentation shall be made available for inspection by the commissioner.

§2505. Investigation of a cybersecurity event

A. If a licensee learns that a cybersecurity event has or may have occurred, the licensee, or an outside vendor or service provider designated to act on behalf of the licensee, shall conduct a prompt investigation.

B. During the investigation, the licensee, or an outside vendor or service provider designated to act on behalf of the licensee, shall do all of the following to the extent possible:

(1) Determine whether a cybersecurity event has occurred.

(2) Assess the nature and scope of the cybersecurity event.

(3) Identify any nonpublic information that may have been involved in the cybersecurity event.

(4) Undertake reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

C. If a licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee shall make reasonable efforts to complete the steps required pursuant to Subsection B of this Section or make reasonable efforts to confirm and document that the third-party service provider has completed those steps.

D. The licensee shall maintain records concerning all cybersecurity events for a period of at least five years from the date of the cybersecurity event and shall produce those records upon demand of the commissioner.

§2506. Notification of a cybersecurity event

A. A licensee shall notify the commissioner without unreasonable delay but in no event later than three business days from a determination that a cybersecurity event involving nonpublic information that is in the possession of the licensee has occurred when either of the following criteria has been met:

(1) This state is the licensee's state of domicile, in the case of an insurer, or this state is the licensee's home state, in the case of a producer, an adjuster, or public adjuster as those terms are defined in R.S. 22:1542, 1661, or 1692, and the cybersecurity event has reasonable likelihood of materially harming

either of the following:

(a) Any consumer residing in this state.

(b) Any material part of the normal operations of the licensee.

(2) A licensee reasonably believes that the nonpublic information involved is for two hundred fifty or more consumers residing in this state and that either of the following has occurred:

(a) A cybersecurity event affecting the licensee of which notice is required to be provided to any government body, self-regulatory agency, or any other supervisory body pursuant to any state or federal law.

(b) A cybersecurity event that has a reasonable likelihood of materially harming any of the following:

(i) Any consumer residing in this state.

(ii) Any material part of the normal operations of the licensee.

B.(1) The licensee shall have a continuing obligation to update and supplement initial and subsequent notifications to the commissioner regarding material changes to previously provided information relative to the cybersecurity event.

(2) The licensee making the notification required in Subsection A of this Section shall provide as much of the following information as possible in electronic form as directed by the commissioner:

(a) Date of the cybersecurity event.

(b) Description of how the information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of any third-party service providers.

(c) How the cybersecurity event was discovered.

(d) Whether any lost, stolen, or breached information has been recovered and, if so, how recovery was accomplished.

(e) The identity of the source of the cybersecurity event.

(f) Whether the licensee has filed a police report or has notified any regulatory, government, or law enforcement agencies and when the notification was provided.

(g)(i) Description of the specific types of information acquired without authorization.

(ii) For the purposes of this Subparagraph, "specific types of information" means particular data elements including but not limited to types of medical information, types of financial information, or types of information allowing identification of the consumer.

(h) The period during which the cybersecurity event compromised the information system.

(i)(i) The total number of consumers in this state affected by the cybersecurity event.

(ii) The licensee shall provide the best estimate in the initial report to the commissioner and update this estimate with each subsequent report to the commissioner pursuant to this Section.

(j) The results of any internal review identifying a lapse in either automated controls or internal procedures, or confirming that all automated controls or internal procedures were followed.

(k) Description of efforts being undertaken to remediate the situation which permitted the cybersecurity event to occur.

(l) A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event.

(m) Name of a contact person who is both familiar with the cybersecurity event and authorized to act for the licensee.

C. A licensee shall comply with the Database Security Breach Notification Law, R.S. 51:3071 et seq., as applicable, and shall provide to the commissioner a copy of the notice sent to consumers if the licensee is required to notify the commissioner pursuant to Subsection A of this Section.

D.(1) In the case of a cybersecurity event in a system maintained by a third-party service provider of which the licensee has become aware, all of the following shall apply:

(a) The licensee shall treat the cybersecurity event as it would pursuant to Subsection A of this Section, unless the third-party service provider gives the notice required in Subsection A of this Section.

(b) The computation of the licensee's deadlines shall begin on the day after the third-party service provider notifies the licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever occurs first.

(2) Nothing in this Chapter shall be construed to prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider, or any other party to fulfill any of the investigation requirements pursuant to R.S. 22:2505 or notice requirements pursuant to this Section.

E.(1)(a) In the case of a cybersecurity event involving nonpublic information used by a licensee acting as an assuming insurer or in the possession, custody, or control of a licensee acting as an assuming insurer and that does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three business days of making the determination that a cybersecurity event has occurred.

(b) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements pursuant to the Database Security Breach Notification Law and any other notification requirements relating to a cybersecurity event pursuant to this Section.

(2)(a) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a third-party service provider

of a licensee that is an assuming insurer, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three business days of receiving notice from its third-party service provider that a cybersecurity event has occurred.

(b) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements pursuant to the Database Security Breach Notification Law and any other notification requirements relating to a cybersecurity event pursuant to this Section.

F. In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a licensee that is an insurer or its third-party service provider for which a consumer accessed the insurer's services through an independent insurance producer and for which consumer notice is required by the Database Security Breach Notification Law, the insurer shall notify the producers of record of all affected consumers of the cybersecurity event no later than the time at which notice is provided to the affected consumers. The insurer shall be excused from this obligation for any producers who are not authorized by law or contract to sell, solicit, or negotiate on behalf of the insurer, and in those instances in which the insurer does not have the current producer of record information for an individual consumer.

§2507. Powers of the commissioner

A. The commissioner may examine and investigate into the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of this Chapter. This power is in addition to the powers which the commissioner has pursuant to R.S. 22:1981, 1983, and 1984. Any investigation or examination shall be conducted pursuant to R.S. 22:1983 and 1984.

B. Whenever the commissioner has reason to believe that a licensee has been or is engaged in conduct in this state which violates this Chapter, the commissioner may take any action that is necessary or appropriate to enforce the provisions of this Chapter.

§2508. Confidentiality

A. Any documents, materials, or other information in the control or possession of the commissioner that are furnished by a licensee or an employee or agent acting on behalf of a licensee pursuant to R.S. 22:2504 or 2506 or that are obtained by the commissioner in an investigation or examination pursuant to R.S. 22:2507 shall be confidential by law and privileged, shall not be subject to release pursuant to the Public Records Law, R.S. 44:1 et seq., shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. The commissioner shall not otherwise make the documents, materials, or other information public.

B. Neither the commissioner nor any person who received documents, materials, or other information while acting pursuant to the authority of the commissioner shall testify in any private civil action concerning any confidential documents, materials, or information subject to Subsection A of this Section.

C. In order to assist in the performance of the commissioner's duties pursuant to this Chapter, the commissioner may do any of the following:

(1) Share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to Subsection A of this Section, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries, and with state, federal, and international law enforcement authorities, if the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information.

(2)(a) Receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC, its affiliates, or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions.

(b) The commissioner shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that the document, material, or information is confidential or privileged pursuant to the laws of the jurisdiction that is the source of the document, material, or information.

(3) Share documents, materials, or other information subject to Subsection A of this Section with a third-party consultant or vendor if the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information.

(4) Enter into agreements governing the sharing and use of information consistent with this Subsection.

D. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner pursuant to this Section or as a result of sharing pursuant to Subsection C of this Section.

E. Nothing in this Chapter shall be construed to prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection pursuant to the Public Records Law or to a database or other clearinghouse service maintained by the NAIC, its affiliates, or subsidiaries.

F. Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant or vendor pursuant to this Chapter shall be confidential by law and privileged, shall not be subject to release

pursuant to the Public Records Law, R.S. 44:1 et seq., shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

§2509. Exemptions

A. A licensee shall be exempt from the provisions of R.S. 22:2504 if the licensee meets any of the following criteria:

(1) Having fewer than twenty-five employees.

(2) Less than five million dollars in gross annual revenue.

(3) Less than ten million dollars in year-end total assets.

(4) Being subject to the Health Insurance Portability and Accountability Act, Pub.L. 104-191, 110 Stat. 1936, and doing all of the following:

(a) Establishing and maintaining an information security program pursuant to any statutes, rules, regulations, procedures, or guidelines established pursuant to the Health Insurance Portability and Accountability Act.

(b) Complying with and submitting, upon request of the commissioner, a written statement certifying compliance with the information security program established and maintained pursuant to Subparagraph (a) of this Paragraph.

(5) Being an employee, agent, representative, or designee of a licensee, who is also a licensee, to the extent that the employee, agent, representative, or designee is covered by the information security program of the other licensee.

(6) Being affiliated with a depository institution subject to the Interagency Guidelines Establishing Information Security Standards pursuant to the Gramm-Leach-Bliley Act, 15 U.S.C. 6801 and 6805, and doing all of the following:

(a) Establishing and maintaining an information security program pursuant to any statutes, rules, regulations, procedures, or guidelines established pursuant to the Gramm-Leach-Bliley Act.

(b) Complying with and submitting, upon request of the commissioner, a written statement certifying compliance with the information security program established and maintained pursuant to Subparagraph (a) of this Paragraph.

(7) Being subject to another jurisdiction approved by the commissioner and doing all of the following:

(a) Establishing and maintaining an information security program pursuant to such statutes, rules, regulations, procedures, or guidelines established by another jurisdiction.

(b) Complying with and submitting a written statement certifying its compliance with the information security program established and maintained pursuant to Subparagraph (a) of this Paragraph.

B. In the event that a licensee ceases to qualify for an exemption pursuant to Subsection A of this Section, the licensee shall have one hundred eighty days to comply with the provisions of this Chapter.

C. A licensee that is subject to R.S. 51:3076 shall be exempt from the provisions of R.S. 22:2506 if the licensee does all of the following:

(1) Notifies affected consumers of cybersecurity events relating to the licensee's insurance business in a manner consistent with the requirements of the Gramm-Leach-Bliley Act.

(2) Notifies the commissioner of cybersecurity events relating to the licensee's insurance business in a manner consistent with and at the same time as the notice the licensee gives to federal regulatory authorities.

§2510. Penalties

In the case of a violation of this Chapter, the commissioner may impose a penalty pursuant to R.S. 22:18.

§2511. Defenses

A licensee that satisfies the provisions of this Chapter may assert an affirmative defense to any cause of action arising in tort that is brought pursuant to the laws of this state or in the courts of this state and that alleges that the failure to implement reasonable information security controls resulted in a data breach concerning nonpublic information.

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

§4.1. Exceptions

* * *

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

* * *

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

* * *

Section 3.(A) The provisions of R.S. 22:2504(F) as enacted by Section 1 of this Act shall become effective on August 1, 2022.

(B) The remaining provisions of R.S. 22:2504 as enacted by Section 1 of this Act shall become effective on August 1, 2021.

Section 4. This Section and Sections 1, 2, and 3 shall become effective on August 1, 2020.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 284

HOUSE BILL NO. 729

BY REPRESENTATIVES MARCELLE, ADAMS, BRYANT, WILFORD
CARTER, CORMIER, COX, CREWS, DUPLESSIS, EDMONSTON,
FREEMAN, FREIBERG, HUGHES, JEFFERSON, JENKINS, LARVADAIN,
LYONS, NELSON, NEWELL, PHELPS, PIERRE, SELDERS, AND WHITE
AN ACT

To enact R.S. 46:2605.4, 2605.5, and 2605.6 and to repeal R.S. 46:2607, relative to children; to establish the Council on the Children of Incarcerated Parents and Caregivers; to provide for the membership of the council; to provide for the domicile, purposes, duties, and authority of the council; to establish the Children of Incarcerated Parents and Caregivers Fund; to provide relative to the administration and use of monies in the fund; to repeal the termination date of the Children's Cabinet; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2605.4, 2605.5, and 2605.6 are hereby enacted to read as follows:

§2605.4. Council on the Children of Incarcerated Parents

A. There is hereby established the Council on the Children of Incarcerated Parents and Caregivers, hereinafter referred to as "The CIP Council". The domicile of the CIP Council shall be in the parish of East Baton Rouge. The CIP Council shall be housed within the Office of the Governor.

B. For the purpose of the CIP Council, "incarcerated parents and caregivers" includes all individuals who, prior to or following incarceration, are primarily or secondarily responsible for the health and well-being of an individual.C.(1) The CIP Council shall be composed of the following members:

(a) Three individuals, representative of the various regions of the state, whose parents or caregivers are or were incarcerated when the individuals were minors.

(b) One person who is a formerly incarcerated parent or caregiver.

(c) One representative of the Louisiana Department of Health appointed by the secretary of the department or the representative's designee.

(d) One representative of the Department of Education appointed by the superintendent or the representative's designee.

(e) One representative of the Department of Children and Family Services appointed by the secretary of the department or the representative's designee.

(f) The family liaison of the Department of Public Safety and Corrections, office of juvenile justice, or the liaison's designee.

(g) One representative of the Department of Public Safety and Corrections appointed by the secretary or the representative's designee.

(h) One representative of the Louisiana Public Defender Board appointed by the state public defender or the representative's designee.

(i) One representative of the Louisiana District Attorneys Association appointed by the president of the association or the representative's designee.

(j) One representative of the Louisiana Sheriffs' Association appointed by the president of the association or the representative's designee.

(k) One person representing and appointed by Daughters Beyond Incarceration.

(l) One person representing and appointed by Voice of the Experienced.

(m) Three representatives shall be appointed by the governor.

(2) Additional members may be added as determined by a majority vote of those members currently serving on the CIP Council.

D. Members of the CIP Council shall serve two-year terms and shall not receive any compensation or reimbursement of expenses. Each member of the CIP Council shall serve until the appointment and qualification of their successor. Whenever a vacancy occurs in an appointed position, the vacancy shall be filled in the same manner and under the same conditions as required for the original appointment.

E. The CIP Council shall meet at least once in at least three of the four quarters each year. The CIP Council shall comply with the Open Meetings Law, R.S. 42:11 et seq., in conducting its regular business.

F. All departments, boards, agencies, officers, and institutions of the state and all subdivisions thereof shall cooperate with the CIP Council in carrying out its purposes pursuant to the provisions of this Section and R.S. 46:2605.5 and 2605.6.

G. The CIP Council shall make, or cause to be made, all such studies, reviews, or analyses that it determines to be necessary to effect its purpose.

H. The CIP Council may receive and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of the CIP Council and as further provided in R.S. 46:2605.6.

§2605.5. CIP Council; duties

A. The CIP Council shall be a resource to the state on issues affecting the children of incarcerated parents and caregivers in the state. In furtherance of that responsibility, the CIP Council shall undertake efforts including but not limited to the following:

(1) Investigate the impact that a parent's or caregiver's involvement in the criminal justice system has on the mental, emotional, physical, and financial well-being of their child or children up to and through adulthood.

(2) Serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to the children of incarcerated parents or caregivers.

(3) Identify and discuss best practices as they affect the children of incarcerated parents and caregivers and explore how those practices can be adapted to programs and services within the state.

(4) Advise executive and legislative bodies of the potential effect of proposed legislation on the children of incarcerated parents and caregivers, as the CIP Council determines to be necessary and appropriate.

(5) Investigate the merits of the establishment of a state agency within a department dedicated to issues affecting the children of incarcerated parents and caregivers and determine how such agency or program is to be organized and implemented.

(6) Provide resources and education to the caregivers of children with incarcerated parents or caregivers.

B. The CIP Council shall issue at least one report every two years, beginning January 31, 2022, stating the findings, conclusions, and recommendations of the CIP Council. The report shall be available to any other governmental entity requesting a copy.

§2605.6. Children of Incarcerated Parents and Caregivers Fund

A. There is hereby created in the state treasury as a special fund the Children of Incarcerated Parents and Caregivers Fund, hereinafter referred to as the "fund".

B.(1) The source of monies deposited into the fund shall be any monies appropriated annually by the legislature, including federal funds; any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities; and any other monies that may be obtained or provided by law.

(2) Monies in the fund shall be invested in the same manner as monies in the state general fund and interest earned on investment of monies in the fund shall be credited to the state general fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. Monies in the fund shall be used as directed by the CIP Council solely for the purposes set forth in this Section and R.S. 46:2605.4 and 2605.5.

Section 2. R.S. 46:2607 is hereby repealed in its entirety.

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

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 285

HOUSE BILL NO. 759
BY REPRESENTATIVE MARINO
AN ACT

To enact Code of Criminal Procedure Article 958, relative to suspension of time limitations in declared disaster, emergency, or public health emergency; to provide relative to the authority of the supreme court to suspend certain time periods, limitations, and delays during a declared disaster, emergency, or public health emergency; to provide for the authority to terminate and to extend the suspension period; to provide for certain exceptions; to provide relative to the application of other provisions of law regarding suspension and interruption of time periods, limitations, and delays; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 958 is hereby enacted to read as follows:

Art. 958. Suspension of time limitations in declared disaster, emergency, or public health emergency

A. Notwithstanding any provision of law to the contrary, if the governor has declared a disaster or emergency pursuant to the provisions of R.S. 29:721 et seq. or a public health emergency pursuant to R.S. 29:760 et seq., the supreme court is authorized to issue an order, or series of orders as it determines to be necessary and appropriate, that shall have the full force and effect of suspending all time periods, limitations, and delays pertaining to the initiation, continuation, prosecution, defense, appeal, and post-conviction relief of any prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter within the state of Louisiana including but not limited to any such provisions in the Code of Criminal Procedure, the Children's Code, and Titles 14, 15, 32, 40, and 56 of the Louisiana Revised Statutes of 1950, or in any other provision of Louisiana law, for a determinate period of thirty days except as otherwise provided by this Article.

B. The thirty-day period provided for in this Article shall commence to run from the date the supreme court issues the order or from a particular date specified by the supreme court in the order, whichever is earlier.

C. The thirty-day period provided in Paragraph A of this Article may be extended by further order of the supreme court for additional successive periods with each period not exceeding thirty days.

D. The period of suspension authorized by the provisions of this Article shall terminate upon order of the supreme court or upon termination of the declared disaster, emergency, or public health emergency, whichever is

earlier.

E. ~~The provisions of this Article shall not apply to Code of Criminal Procedure Articles 230.1, 230.2, and 232 and Children's Code Articles 624 and 819.~~

F. ~~Nothing in this Article shall be construed to negate or impair the application of any other provision of law regarding the suspension or interruption of time periods, limitations, or delays.~~

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

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 286

HOUSE BILL NO. 819

BY REPRESENTATIVES BAGLEY, ADAMS, BRASS, BROWN, BRYANT,
CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX,
DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, JEFFERSON,
JENKINS, TRAVIS JOHNSON, JONES, LACOMBE, LARVADAIN, LYONS,
MARINO, SELDERS, STAGNI, AND WILLARD

AN ACT

To amend and reenact R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F), to enact R.S. 40:1046(A)(2)(a)(xvii) through (xxii), and to repeal R.S. 40:1046(B), relative to recommendation by physicians of marijuana for therapeutic use, known commonly as medical marijuana; to provide relative to the authorization for physicians to recommend medical marijuana; to provide for medical conditions which qualify a patient for treatment with medical marijuana; to authorize the recommendation of medical marijuana by a physician in treating certain specified conditions and any other medical condition that he is qualified to treat; to require dispensing pharmacies to record dispensed medical marijuana in the prescription monitoring program database; to repeal requirements for the Louisiana State Board of Medical Examiners to issue rules and regulations concerning the recommendation of medical marijuana by physicians; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F) are hereby amended and reenacted and R.S. 40:1046(A)(2)(a)(xvii) through (xxii) are hereby enacted to read as follows:§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations; ~~of the Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; and the adoption of rules and regulations relating to the dispensing of recommended marijuana for therapeutic use; the Department of Agriculture and Forestry and the licensure of a production facility licensing by the Department of Agriculture and Forestry~~

A.(1) Notwithstanding any other provision of this Part, a any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy except for inhalation, and raw or crude marijuana, tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as suffering from a debilitating medical condition. Nothing in this Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. For purposes of this Section, "metered-dose inhaler" means a device that delivers a specific amount of medication to the lungs, in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

(2)(a) For purposes of this Subsection, "debilitating medical condition" means any of the following:

* * *

(iii) Parkinson's disease. Any of the following neurodegenerative diseases and conditions:

- (aa) Alzheimer's disease.
- (bb) Amyotrophic lateral sclerosis.
- (cc) Huntington's disease.
- (dd) Lewy body dementia.
- (ee) Motor neuron disease.
- (ff) Parkinson's disease.
- (gg) Spinal muscular atrophy.

* * *

(xvii) Traumatic brain injury.

(xviii) A concussion diagnosed by a physician.

(xix) Chronic pain associated with fibromyalgia.

(xx) Chronic pain associated with sickle cell disease.

(xxi) Any condition for which a patient is receiving hospice care or palliative care.

(xxii) Any condition not otherwise specified in this Subparagraph that a physician, in his medical opinion, considers debilitating to an individual

patient and is qualified through his medical education and training to treat.

* * *

(3) For purposes of this Part, "recommend" or "recommended" means an order from a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners and authorized by the board to recommend medical marijuana that is patient specific and disease specific in accordance with Paragraph (2) of this Subsection, and is communicated by any means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection C of this Section, and is preserved on file as required by Louisiana law or federal law regarding medical marijuana opinion of any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, provided within a bona fide doctor-patient relationship, that, in the sincere judgment of the physician, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the Louisiana Board of Pharmacy.

(4) ~~A Any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in Louisiana may recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship and shall recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations promulgated by the Louisiana State Board of Medical Examiners.~~

* * *

F.(1) A person who recommends and a person who dispenses marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant to this Section shall review the patient's information in the database of the prescription monitoring program established in R.S. 40:1001 et seq. prior to the recommending and dispensing thereof.

(2) Any person who dispenses marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant to this Section shall comply with the reporting requirements of the prescription monitoring program established in R.S. 40:1001 et seq.

* * *

Section 2. R.S. 40:1046(B) is hereby repealed in its entirety.

Approved by the Governor, June 11, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 287

HOUSE BILL NO. 131

BY REPRESENTATIVE FIRMENT
AN ACT

To amend and reenact R.S. 22:2055(6)(b)(iii) and to enact R.S. 22:2055(6)(b)(xii), relative to claims covered by the Louisiana Insurance Guaranty Association; to exclude claims made by Medicare or Medicare Advantage plans; to exclude claims made by agencies and programs of the federal and state government; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2055(6)(b)(iii) is hereby amended and reenacted and R.S. 22:2055(6)(b)(xii) is hereby enacted to read as follows:

§2055. Definitions

As used in this Part:

* * *

(6) "Covered claim" means the following:

* * *

(b) "Covered claim" shall not include:

* * *

(iii) Any amount due any reinsurer, insurer, insurance pool or underwriting association, health maintenance organization or plan, preferred provider organization or plan, hospital plan corporation, professional health service corporation, employee retirement fund including but not limited to plans subject to the Employee Retirement Income Security Act of 1974, Medicare or Medicare Advantage, Medicaid, or the self-insured portion due any self-insurer as subrogation recoveries, reinsurance recoveries, contribution, indemnification, or otherwise. In addition, any person insured under a policy issued by an insolvent insurer shall likewise not be liable for any subrogation claim or any contractual indemnity claim asserted by any reinsurer, insurer, insurance pool, underwriting association, health maintenance organization or plan, hospital plan corporation, professional health service corporation, preferred provider organization or plan, employee retirement fund including but not limited to plans subject to the Employee Retirement Income Security Act of 1974, Medicare or Medicare Advantage, Medicaid, self-insurer, or any other person with an interest in the claim, other than to the extent the claim exceeds the association's obligation limitations.

* * *

(xii) Any claim by any agency or program of the federal government or of any state or political subdivision thereof.

* * *

Section 2. This Act shall become effective on July 1, 2020.

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 288

HOUSE BILL NO. 450
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 14:62(B), relative to burglary; to provide relative to the crime of simple burglary; to provide for certain penalties when the offense is committed with a firearm under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:62(B) is hereby amended and reenacted to read as follows:
§62. Simple burglary

* * *

B.(1) Whoever Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of simple burglary shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than twelve years, or both.

(2) If the offender, while committing the crime of simple burglary, is armed with a firearm or, after entering, arms himself with or possesses a firearm, the offender shall be imprisoned with or without hard labor for not less than three nor more than twelve years.

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 289

HOUSE BILL NO. 634
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 39:1221 and 1242(A)(4) and to enact R.S. 39:1242(E), relative to security for local deposits; to provide for kinds of security for local deposits; to remove certain restrictions on bank collateral for local funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1221 and 1242(A)(4) are hereby amended and reenacted and R.S. 39:1242(E) is hereby enacted to read as follows:

§1221. Security for deposits; kinds

A. Local depositing authorities shall require as security for deposits:

(1) Bonds or other interest-bearing securities of the United States, or any agency thereof, including but not limited to the Federal National Mortgage Association, or bonds or other interest-bearing obligations guaranteed fully or partially as to principal and interest by the United States, or by any agency thereof; or bonds of any possession of the United States; or unmatured bonds of this state, including both direct and indirect obligations and also, including bonds or other interest-bearing obligations, whether supported by revenue or by the avails of taxes, of the ~~State state~~ of Louisiana or of any agency, board, commission, department or division thereof or of any agency, public corporation or authority created by or recognized by the ~~State state~~ of Louisiana; or unmatured bonds of any parish, municipality, levee board, road district, school board or school district of this state; or bonds of any parish, municipality, industrial district or industrial board which are secured by a lease executed in accordance with the provisions of ~~Article XIV, Section 14, Paragraphs b.2 or b.3 of the Constitution of the State of Louisiana for the year 1921 or R.S. 39:1001 R.S. 39:551.1, 551.2, 991, 992, or 1011 et seq.~~ or R.S. 51:1151 et seq., as amended, and partially or fully guaranteed by the Louisiana Board of Commerce and Industry in accordance with the provisions of the Bond Lease Guarantee Act of the regular session of the Louisiana Legislature of 1968.

(2) Certificates of indebtedness, including paving certificates, of any subdivision of this state referred to in Paragraph (1) of this ~~Section~~ Subsection.

(3) Promissory notes either of the authority letting the deposits or of any other authority referred to in Paragraph (1) of this ~~Section~~ Subsection, which notes must be either unmatured or payable on demand.

(4) Evidence of participation in such promissory notes issued by any bank, trust company, or recognized bank clearing house association domiciled in this state.

(5) Notes representing loans to students which are guaranteed by the ~~Louisiana Higher Education Assistance Commission Board of Regents~~ in accordance with a contract agreement between the lender and the ~~commission board~~ under the provisions of R.S. 17:3021 et seq.

(6) Deposit guaranty bonds underwritten and guaranteed by an insurance company, licensed to do business in this state, listed as an approved surety by the United States Department of the Treasury, that provide coverage for deposits of depositing authorities in excess of the amounts insured by the Federal Deposit Insurance Corporation or any other governmental agency insuring bank or other financial institution deposits that is organized under the laws of the United States, and the form and content of which are approved

in advance by the state treasurer.

(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, except as provided in Subsection B of this Section.

(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.

(10) Bonds, debentures, notes, or other indebtedness issued by a state of the United States of America other than Louisiana or any such state's political subdivisions provided that the indebtedness has a long-term rating of A3 or higher by Moody's Investors Service, a long-term rating of A- or higher by Standard & Poor's or a long-term rating of A- or higher by Fitch Ratings, Inc., or a short-term rating of M1G1 or VM1G1 by Moody's Investors Service, a short-term rating of A-1 or A-1+ by Standard & Poor's, or a short-term rating of F1 or F1+ by Fitch Ratings, Inc.

(11) Bonds, debentures, notes, or other indebtedness issued by domestic United States corporations provided that the indebtedness has a long-term rating of Aa3 or higher by Moody's Investors Service, a long-term rating of AA- or higher by Standard & Poor's, or a long-term rating of AA- or higher by Fitch Ratings, Inc.

B. Notwithstanding any other law to the contrary, there shall be no limitation or restriction on the duration of the bonds, debentures, notes, or other indebtedness used as security for deposits under this Section.

* * *

§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, except as provided in Subsection E of this Section.

* * *

E. Notwithstanding any other law to the contrary, there shall be no limitation or restriction on the duration of the bonds, debentures, notes, or other indebtedness used as security for deposits under this Section.

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 290

HOUSE BILL NO. 640
BY REPRESENTATIVE CHARLES OWEN
AN ACT

To amend and reenact R.S. 33:3819(A) and to repeal R.S. 33:3819(B) through (L), relative to waterworks districts; to provide relative to the per diem paid to members of the board of commissioners; to repeal provisions relative to certain waterworks districts with respect to the per diem paid to board members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:3819(A) is hereby amended and reenacted to read as follows:

§3819. Meetings of commissioners; meeting place; absences; compensation

A. The commissioners of each waterworks district may meet as often as necessary, but shall meet at least once every three months. The board of waterworks commissioners by resolution shall designate a regular meeting place for the holding of its meetings, which shall be held at a place located within the waterworks district or at the parish seat of the parish in which the district is located, even though the parish seat is not within the boundaries of the waterworks district. The absence of a commissioner from any four consecutive meetings shall be deemed to create a vacancy and it shall be filled by the police jury, if the commissioner had been appointed by the police jury, or by appointment of the governing authority of a municipality included in the district, if the commissioner had been appointed by the ~~municipal said~~ governing authority. The parish governing authority in the parish in which each waterworks district is located may fix the and pay a per diem to be paid to each of the members of the board of commissioners of the respective waterworks districts in an amount not to exceed less than sixty dollars and not more than per diem paid to members of the Louisiana legislature for each meeting they attend, up to and including twenty-four meetings in each year and for each special meeting not to exceed twelve special meetings in each year. Per diem provided by this Section shall be paid out of the district funds in the hands of the treasurer; however, no elected official serving as a member of the board of commissioners shall receive any per diem for attending meetings of the board.

* * *

Section 2. R.S. 33:3819(B) through (L) are hereby repealed in their entirety.

Approved by the Governor, June 12, 2020.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 291

HOUSE BILL NO. 647
BY REPRESENTATIVES SELDERS AND JAMES
AN ACT

To amend and reenact R.S. 33:4720.151(C)(1), (F)(1), and (G)(1)(introductory paragraph), relative to the East Baton Rouge Redevelopment Authority; to provide relative to the name of the authority; to authorize the authority to use a trade name; 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. 33:4720.151(C)(1), (F)(1), and (G)(1)(introductory paragraph) are hereby amended and reenacted to read as follows:

§4720.151. East Baton Rouge Redevelopment Authority

* * *

C.(1) There is hereby created in the parish of East Baton Rouge a body politic and corporate which shall exist in perpetuity and shall be known as the East Baton Rouge Redevelopment Authority, referred to in this Chapter as the "authority". The authority is authorized to use the trade name "Build Baton Rouge".

* * *

F.(1) ~~The East Baton Rouge Redevelopment Authority~~ authority shall be comprised of all of the territory located within the parish of East Baton Rouge, including the territory comprising the municipalities of Baker, Baton Rouge, Central, and Zachary, constituted on July 10, 2007. However, the governing authority of each municipality may opt out of being included within the territorial jurisdiction of the authority.

* * *

G.(1) ~~The East Baton Rouge Redevelopment Authority~~ authority shall be governed by a board of commissioners, referred to in this Chapter as the "board", consisting of five members appointed as follows:

* * *

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 292

HOUSE BILL NO. 655
BY REPRESENTATIVE MINCEY
AN ACT

To amend and reenact R.S. 17:81(A)(3) and to enact R.S. 17:54(B)(4) and (D), relative to local school superintendents; to provide for the employment of superintendents and interim superintendents; to provide for placing superintendents on administrative leave; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(A)(3) is hereby amended and reenacted and R.S. 17:54(B)(4) and (D) are hereby enacted to read as follows:

§54. Officers of boards, election; superintendents, qualifications, appointment and removal

* * *

B.

* * *

(4)(a) The board may, by a majority vote of its membership, select a person to serve as interim superintendent in the event of the death, resignation, or termination of the superintendent or his being placed on paid administrative leave in accordance with Subsection D of this Section.(b) An interim superintendent shall have the same authority as a superintendent.

(c) The election of an interim superintendent is not subject to the provisions applicable to the process of selection or employment of a superintendent or to the requirement or content of a contract.

(d) A school board shall not employ an interim superintendent for longer than six months in any given twelve month period unless the appointment is made during the final year of the term of the majority of members.

* * *

D.(1) A school board may place a superintendent on paid administrative leave prior to the expiration of his contract:

(a) For the purpose of investigating cause for termination.

(b) Without cause during the final three months of the term of his contract when the school board has voted not to extend a new contract offer.

(c) At a time as agreed by the superintendent.

(d) At a time as provided for in his contract.

(2) Paid administrative leave is subject to the following:

(a) Approval of a majority of the membership of the school board.

(b) A three month time limit within a six month period.

(c) All compensation afforded under the terms of the existing contract.

* * *

§81. General powers of local public school boards

A.

* * *

(3) Each local public school board shall delegate authority for the hiring and placement of all school personnel, including those for which state certification is required to the local school superintendent. It shall be the responsibility of the superintendent to ensure that all persons have proper certification, as applicable, and

are qualified for the position. However, at any point in the final three months of the superintendent's contract, if he has been placed on notice that the school board has voted not to offer him a new contract and an interim superintendent has been selected in accordance with R.S. 17:54, such delegation shall extend to the interim superintendent without action of the school board.

* * *

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 293

HOUSE BILL NO. 685
BY REPRESENTATIVE IVEY
AN ACT

To enact Chapter 15-A of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1061, relative to interagency data sharing; to provide for a data sharing review board; to provide for data sharing authorization; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15-A of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:1061, is hereby enacted to read as follows:

CHAPTER 15-A. DATA SHARING REVIEW

§1061. Data sharing review

A. A state agency requesting data from another state agency may petition the joint committee on governmental affairs to conduct a review of the agency's request for data sharing to gain authorization by the committee for the data to be shared between the agencies.

B.(1) The requesting agency shall send a petition in writing to both the House and Senate committees on governmental affairs. The request shall include the following information:

(a) The receiving or requesting agency and the disclosing agency.

(b) Scope of data being requested.

(c) Scope of use, including who will have access to the data.

(d) Method of transfer.

(e) Legal authority for the transfer.(2)(a) Upon receipt of the agency's petition, the joint committee on governmental affairs may conduct a hearing to approve the agency's request for the data to be shared.

(b) The joint committee on governmental affairs shall notify the agencies of the scope of the public meeting regarding the agency's request for data.

C.(1) Each state agency may cooperate with the House and Senate committees on governmental affairs in fulfilling the requirements of this Section.

(2) Upon the approval by the joint committee on governmental affairs of the agency's request for data, the disclosing agency may provide the data to the requesting agency.

D. Nothing in this Section shall supersede the provisions of R.S. 47:1508.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 294

HOUSE BILL NO. 697
BY REPRESENTATIVE MCCORMICK
AN ACT

To amend and reenact Subpart D of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:140.1 through 140.36, relative to the Shreveport Metropolitan Planning Commission of Caddo Parish; to remove the territory of Caddo Parish from the jurisdiction of the commission; to remove the powers granted to the governing authority of Caddo Parish to participate in commission functions; 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 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:140.1 through 140.36, is hereby

amended and reenacted to read as follows:

SUBPART D. SHREVEPORT METROPOLITAN PLANNING

§140.1. General purposes

~~A.~~ A. It is the purpose and intent of this Sub-Part ~~Subpart~~ to authorize metropolitan planning in the City ~~city~~ of Shreveport 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 ~~herein 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 Sub-Part ~~Subpart~~.

~~B.~~ B. It is the intent of this Sub-Part ~~Subpart~~ to provide for the planning and the effectuation of plans for the orderly physical development of the metropolitan planning area as a whole. ~~To this end provision is made for unified planning of the area within the City of Shreveport and environs; and, further, provision is made for joint or correlated action by the City Council of the City of Shreveport and the Police Jury of Caddo Parish in the adoption of ordinances or other measures to effectuate such unified plans.~~

~~§140.2. Separate actions by city and parish~~

~~A. Where joint or correlated legislative action is required, as above provided, it is contemplated in this Sub-Part 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 City Council or the Police Jury by the planning commission.~~

~~B. In the event such legislative action is not taken by either the City Council or the Police Jury, nothing in this Sub-Part shall be construed to prohibit, prevent, or impair the other from taking such action unilaterally with respect to the territory within its lawful jurisdiction; provided, that in such case either the City 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 appeals, and such rights and privileges shall remain forfeited until such time as the joint or correlated action contemplated is taken.~~

~~§140.3. §140.2. Conflict with other laws~~

~~A. Where If other laws relating to the physical planning, zoning, airport zoning, effectuation of plans, platting, and other purposes of this Sub-Part Subpart are in conflict with the provisions of this Sub-Part Subpart, the provisions of this Sub-Part Subpart shall prevail; provided, however, that 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 Sub-Part Subpart.~~

~~B. It is distinctly recognized, however, that should either party hereto fail to take advantage of or to use the instant legislation, this Sub-Part will in no way If the city council 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 or statutes of the State state of Louisiana or of either jurisdiction herein which are now in effect the municipality.~~

~~§140.4. Delegation of authority~~

~~A. Where, for reasons of convenience, economy, or effectiveness in the administration of plans, ordinances, or other measures, such as zoning, it is desired that the City 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 City Council and Police Jury are hereby authorized and empowered to 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 City 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.~~

~~§140.5. §140.3. Definitions~~

For the purposes of this Subpart, certain words and phrases used herein are defined as follows:

~~(1) Municipal and municipality relate to the City of Shreveport, and where appropriate to the context, to that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.~~(2) City council relates to the chief legislative body of the City of Shreveport.

~~(3) Parish relates to Caddo Parish as such parish exists today or may exist in the future.~~

~~(4) Police Jury relates to the chief legislative body of Caddo Parish.~~

~~(5) Planning Commission or commission means the Shreveport Metropolitan Planning Commission of Caddo Parish as provided for in R.S. 33:140.6.~~

~~(6) Metropolitan planning area means the City of Shreveport and any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality; provided, however, that such metropolitan planning area shall not extend more than five (5) miles beyond the City of~~

Shreveport as such City exists or may exist in the future.

~~(7) Street or streets means, relates to, and includes streets, avenues, boulevards, roads, lanes, alleys and other ways.~~

~~(8) 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.~~

~~(1) "City council" means the governing authority of the city of Shreveport.~~

~~(2) "Commission" means the Shreveport Metropolitan Planning Commission of Caddo Parish as provided for in R.S. 33:140.4.~~

~~(3) "Metropolitan planning area" means the territory included within the boundaries of the city of Shreveport.~~

~~(4) "Municipal" and "municipality" means the city of Shreveport.~~

~~(5) "Street" or "streets" mean public thoroughfares, avenues, boulevards, roads, lanes, alleys, and other ways.~~

~~(6) "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.~~

~~§140.6. §140.4. Metropolitan planning commission; creation and appointment~~

~~A. The City Council of the City of Shreveport and the Police Jury of Caddo Parish city council may create a commission, to be known as the Shreveport Metropolitan Planning Commission of Caddo Parish. The Commission commission shall consist of nine members who shall be residents and qualified voters of Caddo Parish, four (4) members appointed by the City Council of the City of Shreveport, four (4) members appointed by the Police Jury of Caddo Parish, and one member elected by joint action of the City Council of the City of Shreveport and the Police Jury of Caddo Parish. The term of each member shall be six years, except that of the members first appointed, the terms of the four (4) members appointed by the City Council and the terms of the four (4) members appointed by the Police Jury shall be two, four, five, and six years respectively, and the term of the member elected by joint action of the City Council and the Police Jury shall be three years. Any vacancy shall be filled for the unexpired term by the appointive authority, which shall have also the authority to remove any member for cause stated in writing and after public hearing; provided, however, that the filling of an unexpired term of the removal of any member elected by the City Council and the Police Jury shall be done only by the City Council and the Police Jury. All members shall serve without compensation the municipality.~~

~~B. Members shall serve six-year terms after initial terms as provided in this Subsection. One member shall serve an initial term of one year; one shall serve two years; one shall serve three years; two shall serve four years; two shall serve five years; and two shall serve six years, as determined by lot at the first meeting.~~

~~C. Members shall serve without compensation.~~

~~D. Vacancies for any reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.~~

~~E. A member may be removed for cause stated in writing and after a public hearing.~~

~~§140.7. §140.5. 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 where, 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 city planners and other consultants for such services as it may require.~~

~~§140.8. §140.6. 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 City Council and the Police Jury city council. The City of Shreveport municipality shall act as fiscal agent for the commission.~~

~~§140.9. §140.7. Area of jurisdiction~~

~~The area of jurisdiction of the commission shall be the metropolitan planning area as defined herein 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 in themselves or by reason of this Sub-part Subpart have any legal or official status.~~

~~§140.10. §140.8. Master plan~~

~~A. It shall be the function and duty of the commission to make and recommend to the City Council and the Police Jury city council 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.

~~§140-11. §140.9.~~ 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 City of Shreveport and its environs municipality. 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.

~~§140-12. §140.10.~~ Adoption of master plan

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. The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of a majority of the City Council, in the case of its applicability to the City of Shreveport, or by the Police Jury, in the case of its applicability to areas outside of the City of Shreveport city council. 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 City Council or the Police Jury city council, and a copy of the plan or part thereof shall be certified to each of the following: ~~The City Council of the City of Shreveport, the Police Jury of Caddo Parish, the Caddo Parish School Board, the Board of Commissioners of the Caddo Levee District, and the Clerk of Court and Recorder of Caddo Parish the city council and the clerk of court of Caddo Parish,~~ who shall record such plan or part thereof on the conveyance records of Caddo Parish. The plan or part thereof shall take effect after the date it shall have been adopted by the City Council, in the case of its applicability to the City of Shreveport, or by the Police Jury, in the case of its applicability to areas outside the City of Shreveport city council.

~~§140-13. §140.11.~~ Miscellaneous powers of the commission

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. It may recommend to the executive or legislative officials of the City of Shreveport and Caddo Parish municipality, 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. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such additional powers as granted by ordinances adopted by the City Council or the Police Jury as the case may be city council.

~~§140-14. §140.12.~~ Legal status of plan

A. After adoption of the master plan or any part thereof, then and thenceforth no street, park, or any public way, ground, place, or space, no public building or structure, school or school site, or 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 shall have been submitted to and approved by the planning commission; provided that in the case of disapproval, the commission shall communicate its reasons to the City Council or Police Jury, as appropriate city council, and the City Council or Police Jury city council, by a vote of not less than two-thirds majority of its entire membership shall have the power to overrule such disapproval and, upon such overruling, the City Council, Police Jury city council, or the appropriate board or officer shall have the power to proceed; provided, however, that 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 City Council or Police Jury city council or other body or official of the City of Shreveport or of Caddo Parish municipality, then the submission to the planning commission shall be by the board or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a vote of not less than two-thirds majority of its entire membership or by said the 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. The failure of the commission to act within sixty (60) days from the date of official filing shall be deemed approval, unless a longer period be is granted by the City Council, Police Jury city council, 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 of Caddo Parish or by the City Council of the City of Shreveport, as the case may be, city council need not be submitted for approval by the commission unless in conflict with said the master plan.

~~§140-15.~~ Effective date

In creating a metropolitan planning commission, as authorized by this Sub Part, the City Council of the City of Shreveport and the Police Jury of Caddo Parish shall, by mutual agreement, designate the date upon which the powers, duties and authority of the commission shall take effect. Until such time as the Metropolitan Planning Commission begins the performance of its duties the existing City Planning Commission of the City of Shreveport shall be continued with all the powers and duties heretofore held; and, by the aforesaid date the City Planning Commission shall have turned over to the Metropolitan Planning Commission all of its records, plans, studies, or other instruments of its work and planning. Upon the attachment of the jurisdiction of the Metropolitan Planning Commission, the powers of the City Planning Commission of the City of Shreveport in conflict herewith, shall cease to exist; provided, however, that such plans or parts thereof as have been lawfully adopted by the City Planning Commission, including but not limited to the subdivision regulations, major street plan, and zoning plan, shall continue in effect and shall be administered by the Metropolitan Planning Commission until repealed or replaced by such Metropolitan Planning Commission in accordance with this Sub-Part.

~~§140-16. §140.13.~~ Planning commission as platting authority

From and after the time when the Shreveport Metropolitan Planning Commission of Caddo Parish shall have recommended, and the City Council and the Police Jury have After the commission has recommended and the city council has adopted a master plan in whole or in part, no plat of a subdivision of land lying within the area covered by the said plan shall be filed or recorded until it shall have 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 clerk of court of Caddo Parish shall not file or record a plat of a subdivision without the approval of the Planning Commission commission as required by this Sub-Part Subpart; the filing or recording of a plat of a subdivision without the approval of the Planning Commission commission as required by this Section shall be void.

~~§140-17. §140.14.~~ Subdivision, regulations

A. In exercising the powers granted to it by this Sub-part Subpart, the planning 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 City of Shreveport or to Caddo Parish, as appropriate municipality, the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bond; and the City Council of the City of Shreveport and the Police Jury of Caddo Parish are city council is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. 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 City of Shreveport or Caddo Parish, as appropriate, municipality 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.

C. Before recommending its subdivision regulations or any amendments thereto, the commission shall hold a public hearing thereon, at least ten (10) days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality and parish; certified copies of these regulations to be filed with the local legislative body and the Clerk of Court city council and the clerk of court of Caddo Parish. The commission shall then present its recommendation for subdivision regulations to the City Council or the Police Jury for adoption by the City Council or the Police Jury, as the case may be city council.

~~§140-18. §140.15.~~ 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 said 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 said 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 city council or the police jury, as the case may be, under such procedures and provisions as shall be established in the subdivision regulations.

~~§140-19. §140.16.~~ Effect of plat approval on status of dedications

The approval of a plat by the planning 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.

~~§140-20. §140.17.~~ Penalties for transferring lots in unapproved subdivisions

Whoever, being 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 such commission and recorded in the office of the Clerk of Court and Recorder of Caddo Parish, clerk of court of Caddo Parish, the owner or the agent of the owner shall be subject to a penalty of one hundred dollars for each lot so transferred or sold or agreed or negotiated to be sold; and 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. The municipality or the 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.

~~§140-21. §140.18.~~ Acceptance of and improvements in unapproved streets

From and after the time when the platting jurisdiction of the planning commission shall have attached by virtue of After the adoption of a master plan, in whole or in part, as provided in R.S. 33:140.16 R.S. 33:140.13, 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, which conflicts with the plan unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to such attachment of the commission's platting jurisdiction, 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; provided, however, that the City Council, or, in the case of a street outside of the municipality, the Police Jury city council 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 majority of the entire membership of the City Council or Police Jury, as appropriate city council; and a street approved by the commission upon such submission, or constructed or accepted by such two-thirds majority 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.

~~§140-22. §140.19.~~ Building permits

Whenever the planning commission has recommended to the City Council and the Police Jury, and the City Council or Police Jury After the commission has recommended to the city council and the city council 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, then and thereafter no building shall be erected in those areas without first having secured the required building permit.

~~§140-23. §140.20.~~ Platting of street lines by planning commission

From and after the time when the planning commission shall have recommended and the City Council and the Police Jury After the commission has recommended and the city council has adopted a master plan in whole or in part, which includes at least a major street plan, or shall have progressed in its master planning to the state of the making and recommending a major street plan, such commission shall have the power to 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.

~~§140-24. §140.21.~~ Establishment of official map

When the City Council and the Police Jury have After the commission has recommended and the city council has adopted a master plan which includes at least a major street plan, or the Planning Commission 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 City Council and one to the Police Jury, then the City Council and the Police Jury city council, then the city council may establish an official map of the municipality, in the case of the City Council, and that part of Caddo Parish within the area included within the adopted plan but outside the City of Shreveport, in the case of the Police Jury. The official map shall show the location of the streets theretofore 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 shall have been approved by the planning commission. The City Council and the Police Jury city council shall certify the fact of the establishment of the official map to the Clerk of Court and Recorder of Caddo Parish clerk of court of Caddo Parish.

~~§140-25. §140.22.~~ Official map; additions and changes

The City Council and the Police Jury city council 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 which shall have been approved by the planning commission. The City Council and the Police Jury city council 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.

~~§140-26. §140.23.~~ Regulation of buildings in bed of mapped streets

A. For the purpose of preserving the integrity of the official map, the City Council and the Police Jury city council 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 Appeals board of appeals, as provided for in this Sub-part 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,

(1) That 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

(2) That 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 appeals 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. In the event that the board of appeals 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.

~~§140-27. §140.24.~~ 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 city 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. 33:140.24 and R.S. 33:140.25 R.S. 33:140.21 and 140.22; provided, however, that such ordinance shall contain a provision whereby the applicant for such permit may appeal to the board of appeals, 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 municipality, 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.

~~§140-28. §140.25.~~ Grant of power

For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the City Council of the City of Shreveport and the Police Jury of Caddo Parish are city council is hereby empowered, in accordance with the conditions and the procedures specified in this Sub-Part 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 City of Shreveport, and within that part of Caddo Parish within the metropolitan planning area but outside the City of Shreveport in the case of Caddo Parish.

~~§140-29: §140.26.~~ The zoning plan

~~Whenever the planning~~ If the commission recommends to the City Council of the City of Shreveport and to the Police Jury of Caddo Parish city council a zoning plan, including both the full text of a zoning ordinance and the map or maps, representing the recommendations of the ~~planning~~ 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 ~~City Council and the Police Jury city council~~ city council may exercise the powers granted for the purpose mentioned in ~~R.S. 33:140.23~~ R.S. 33:140.25 and may divide the municipality ~~or that part of the parish within the metropolitan planning area outside the City of Shreveport, 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. 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.

~~§140-30: §140.27.~~ Method of procedure

~~Before enacting the zoning ordinance or any amendment thereto, the Police Jury city council~~ 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 municipality. 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 ~~planning~~ commission, or, if disapproved, shall receive the favorable vote of not less than ~~two-thirds majority~~ of the entire membership of the City Council or the Police Jury, as the case may be city council.

~~§140-31: §140.28.~~ 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 ~~City Council or the Police Jury, as appropriate, city council~~ city council 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 City Council or the Police Jury, as appropriate, The city council~~ 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.

~~§140-32: §140.29.~~ Board of appeals

~~A.(1) The zoning ordinances shall provide for a Board of Appeals board of appeals comprised of seven members, each to be appointed for a term of five years. Three members shall be appointed by the city council of the city of Shreveport, three members shall be appointed by the police jury of Caddo Parish, and one member shall be elected by the joint action of the city council and the police jury. Of the members first appointed by the city council, one shall be appointed for a term of five years and two for a period of three years; of the members first appointed by the police jury, one shall be appointed for a term of four years and two for a period of two years; the member elected by joint action of the city council and police jury shall be elected for a term of one year. Members shall serve without compensation. Any vacancy shall be filled for the unexpired term by the appointive authority, which shall have also the authority to remove any member for cause stated in writing and after public hearing. Notwithstanding anything contained herein to the contrary, those members presently serving on the board of appeals will be allowed to complete their present terms and the two alternate members will be allowed to complete their terms as members, subject to the authority of the appointing authorities to remove any member for cause stated in writing and after public hearing all of whom shall be appointed by the city council.~~

~~(2) Members shall serve five-year terms after initial terms as provided in this Subsection. Two members shall serve an initial term of one year; two shall serve two years; one shall serve three years; one shall serve four years; and one shall serve five years, as determined by lot at the first meeting of the board.~~

~~(3) Members shall serve without compensation.~~

~~(4) Vacancies resulting from the expiration of a term or for any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.~~

~~(5) A member may be removed for cause stated in writing and after a public hearing.~~

B. The zoning ordinance may provide and specify general rules to govern the organization and procedure of such board of appeals, which rules shall not be inconsistent with the provisions of this Subpart.

C. The zoning ordinance may provide that the board of appeals 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. The ordinance may also authorize the board of appeals 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. The ordinance may also authorize the board of appeals 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 appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the ~~City or Parish municipality~~ municipality 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 appeals 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.

~~§140-33: §140.30.~~ Enforcement and remedies

~~The city council and the police jury~~ may provide for the enforcement of any ordinance enacted under this Sub-part 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 under this ~~Sub-Part 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.

~~§140-34: §140.31.~~ Conflict with other laws

A. ~~Whenever the~~ If regulations made under authority of this ~~Sub-Part Subpart~~ require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less 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 statute, the provisions of the regulations made under authority of this ~~Sub-part Subpart~~ shall govern.

B. ~~Whenever the provisions of any other statute require~~ If any other provision of 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 under authority of this ~~Sub-part Subpart~~, the provisions of such statute shall govern.

~~§140-35: §140.32.~~ Existing zoning ordinances

~~Existing zoning ordinances of the city of Shreveport municipality~~ shall continue in effect until repealed by ordinances enacted under the authority of this Sub-Part Subpart.

~~§140-36: §140.33.~~ Grant of power

For the purposes of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare, the ~~City Council of the City of Shreveport and the Police Jury of Caddo Parish are city council~~ is hereby empowered, in accordance with the conditions and procedures specified in this Sub-Part 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 City of Shreveport, and within that part of Caddo Parish within the metropolitan planning area but outside the City of Shreveport, in the case of Caddo 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 City of

Shreveport as, in the judgment of the Police Jury, is deemed necessary.

~~§140.37. §140.34. Planning commission Commission~~

The ~~planning commission~~ may prepare and recommend to the ~~City Council and the Police Jury~~ city council for adoption such codes, ordinances, plans, or other measures as, in its judgment, may be necessary to accomplish the purpose of this ~~Sub-Part Subpart~~.

~~§140.38. §140.35. Method of procedure~~

Except for the adopting of the zoning ordinance or any amendment thereto by the city council, before adopting any code, ordinance, plan, or other measure pursuant to this Subpart, the city 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~~.

~~§140.39. §140.36. Enforcement and remedies~~

The ~~City Council and the Police Jury~~ city council may provide, ~~in their respective jurisdictions~~, for the enforcement of any code, ordinance, or other measure enacted under this ~~Sub-Part 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 ~~Sub-Part 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.

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 295

HOUSE BILL NO. 702
BY REPRESENTATIVE BAGLEY
AN ACT

To amend and reenact R.S. 37:961(4), relative to physician assistants; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:961(4) is hereby amended and reenacted to read as follows:

§961. Definitions

As used in this Part:

* * *

(4) The "practice of practical nursing" means the performance for compensation of any acts, not requiring the education, training, and preparation required in professional nursing, in the care, treatment, or observation of persons who are ill, injured, or infirm and for the maintenance of the health of others and the promotion of health care, including the administration of medications and treatments or in on-job training or supervising licensed practical nurses, subordinate personnel, or instructing patients consistent with the licensed practical nurse's education and preparation, under the direction of a licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, ~~or registered nurse, or physician assistant~~. The licensed practical nurse may perform any of the foregoing duties, and with appropriate training may perform additional specified acts which are authorized by the Louisiana State Board of Practical Nurse Examiners when directed to do so by the licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, ~~or registered nurse, or physician assistant~~.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 296

HOUSE BILL NO. 709
BY REPRESENTATIVE BISHOP
AN ACT

To enact R.S. 49:191(12)(b) and to repeal R.S. 49:191(9)(c), relative to the Department of Revenue, including provisions to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Revenue and the statutory entities made a part of the department by law shall be re-created effective June 30, 2020, and all statutory authority therefor is continued in

accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Revenue and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2025, pursuant to R.S. 49:191. However, the Department of Revenue may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act. Section 4. R.S. 49:191(12)(b) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

* * *

(12) July 1, 2024:

* * *

(b) The Department of Revenue and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(9)(c) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2020; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2020, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 297

HOUSE BILL NO. 736
BY REPRESENTATIVE GARY CARTER
AN ACT

To amend and reenact R.S. 47:2132(A), relative to statutory impositions; to authorize refunds of statutory impositions under certain circumstances; to provide for certain requirements and limitations; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:2132(A) is hereby amended and reenacted to read as follows:

§2132. Refund of taxes erroneously paid

A. (1) Any Except as provided for in Paragraph (2) of this Subsection, any person who has a claim against a political subdivision for ad valorem taxes erroneously paid into the funds of that political subdivision may present the claim to the Louisiana Tax Commission within three years of the date of the payment, in such form and together with such proof as the tax commission may require by its rules and regulations; however, if a person is claiming a previously unclaimed homestead exemption, it may be presented to the tax commission within five years of the date of payment. The tax commission shall consult with the assessor of the parish in which the property which is the subject of the claim is located, and after that assessor advises the tax commission that a refund is due the claimant, the tax commission shall duly examine the merits and correctness of each claim presented to it and shall make a determination thereon within thirty days after receipt of the claim.

(2)(a) Any person who prevails in a suit pursuant to R.S. 47:2134(C), as deemed applicable by the court, against a political subdivision for any statutory imposition that is declared invalid pursuant to a legal challenge for the payment of the statutory imposition may present the claim to the tax commission within three years of the date of the final judgment declaring the statutory imposition invalid and awarding a monetary judgment, in a form prescribed by the tax commission in accordance with its rules and regulations, along with a copy of the judgment rendered by the court. The records of the tax commission shall note the date of submission of the judgment by the taxpayer and shall order repayment of the statutory impositions by the tax collector of the sums declared legally invalid, together with interest and court costs, as directed by the court.

(b) The tax collector shall refund the sum of statutory impositions held to be invalid, together with interest and court costs as directed by the court to the taxpayer within thirty days of the order by the tax commission authorizing and directing the tax collector to refund these sums. However, in lieu of a refund as required in this Subparagraph, the tax collector may grant the taxpayer a credit up to the amount of the statutory imposition ordered by the tax commission to offset ad valorem tax liability or statutory impositions owed by the taxpayer. Any amount of unused credit shall carryover to the benefit of the taxpayer until the total amount ordered by the tax commission has been extinguished.

* * *

Section 2. The provisions of this Act shall be applicable to all claims of

statutory impositions declared invalid by a court on or after January 1, 2020.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 298

HOUSE BILL NO. 15
BY REPRESENTATIVE COUSSAN
AN ACT

To amend and reenact R.S. 11:1733(F), 1753(C), and 1923(C), relative to the Municipal Employees' Retirement System of Louisiana and the Parochial Employees' Retirement System of Louisiana; to provide with respect to membership of certain employees in Lafayette; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 and Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1733(F), 1753(C), and 1923(C) are hereby amended and reenacted to read as follows:

§1733. Agreement for coverage of employees of incorporated cities, towns, villages and tax boards or commissions

* * *

F.(1)(a) Notwithstanding any other provision of law, if an employer terminates its agreement for coverage of its employees, the employer shall remit that portion of the unfunded accrued liability existing on June thirtieth immediately prior to the date of termination which is attributable to the employer's participation in the system.

(b) Notwithstanding any other provision of law, if an employer eliminates an employee position or class of positions covered by this system by contracting with a private entity for the work formerly done by employees in eliminated positions, the employer shall remit that portion of the unfunded accrued liability existing on June thirtieth immediately prior to the date of privatization which is attributable to the eliminated position or class of positions.

(c)(i) Except as provided in Item (ii) of this Subparagraph and notwithstanding any other provision of law to the contrary, if an employer eliminates any position from system coverage, the employer shall remit that portion of the unfunded accrued liability existing on the June thirtieth immediately prior to the date of elimination which is attributable to the eliminated position.

(ii) If a position is eliminated from system coverage because the person occupying the position is laid off or if a vacant position is eliminated from system coverage, no payments pursuant to Item (i) shall be due; provided, however, that if any new position is established or an eliminated position is reestablished and the person employed to fill that position does not become a member of this system, the payments required by Item (i) of this Subparagraph shall be calculated and remitted as though the position had been eliminated from system coverage.

(2) When an employer terminates its agreement for coverage of its employees or eliminates a position or class of positions from system coverage for any reason, this system shall notify each other Louisiana state and statewide retirement system. If that employer enrolls an employee or class of employees in a system that received notice of termination or elimination from this system, that other system shall notify this system of the enrollment within fifteen days.

(2) (3) The amount due shall be determined by the actuary employed by the system using the entry age normal funding method and shall either be paid in a lump sum or amortized over ten years in equal monthly payments with interest at the system's actuarial valuation rate in the same manner as regular payroll payments to the system, at the option of the employer.

(3) (4) Should the employer fail to make a payment timely, the amount due shall be collected in the same manner as authorized by Subsection E of this Section and R.S. 11:1864.

* * *

§1753. Membership of employees after consolidation; Terrebonne Parish; Lafayette Parish

* * *

C.(1) Notwithstanding any other provision of law to the contrary, including Subsection A of this Section, any employee first employed on or after November 1, 2010, and prior to November 1, 2020, by any department created by the Home Rule Charter for the Lafayette City-Parish Consolidated Government, other than employees first employed by the police and fire departments who are enrolled in the Municipal Police Employees' Retirement System or the Firefighters' Retirement System, and any employee first employed on or after November 1, 2010, by the City Court of Lafayette, inclusive of the office of marshal, but exclusive of the judges of the city court, shall, as a condition

of employment, become members of the Municipal Employees' Retirement System of Louisiana if they otherwise satisfy the membership eligibility requirements therefor.

(2) Notwithstanding any other provision of law to the contrary, any employee first employed on or after November 1, 2020, by any department created by the Home Rule Charter for the Lafayette City-Parish Consolidated Government, other than employees first employed by the police and fire departments who are enrolled in the Municipal Police Employees' Retirement System or the Firefighters' Retirement System, and any employee first employed on or after November 1, 2020, by the City Court of Lafayette, inclusive of the office of marshal but exclusive of the judges of the city court, shall, as a condition of employment, become a member of the Parochial Employees' Retirement System of Louisiana if he otherwise satisfies the membership eligibility requirements therefor.

* * *

§1923. Membership of employees after consolidation; Terrebonne Parish; Lafayette Parish

* * *

C.(1) Notwithstanding any other provision of law to the contrary, including Subsection A of this Section, any employee first employed on or after November 1, 2010, and prior to November 1, 2020, by any department created by the Home Rule Charter for the Lafayette City-Parish Consolidated Government, other than employees hired by the police and fire departments who are enrolled in the Municipal Police Employees' Retirement System or the Firefighters' Retirement System, and any employee first employed on or after November 1, 2010, by the City Court of Lafayette, inclusive of the office of marshal, but exclusive of the judges of the city court, shall, as a condition of employment, become members of the Municipal Employees' Retirement System of Louisiana if they otherwise satisfy the membership eligibility requirements therefor.

(2) Notwithstanding any other provision of law to the contrary, any employee first employed on or after November 1, 2020, by any department created by the Home Rule Charter for the Lafayette City-Parish Consolidated Government, other than employees hired by the police and fire departments who are enrolled in the Municipal Police Employees' Retirement System or the Firefighters' Retirement System, and any employee first employed on or after November 1, 2020, by the City Court of Lafayette, inclusive of the office of marshal but exclusive of the judges of the city court, shall, as a condition of employment, become a member of the Parochial Employees' Retirement System of Louisiana if he otherwise satisfies the membership eligibility requirements therefor.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 299

HOUSE BILL NO. 140
BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, BEAULLIEU, BOURRIAQUE, BUTLER, CARRIER, CORMIER, CREWS, DEVILLIER, DESHOTEL, DUBUISSON, ECHOLS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, HUVAL, IVEY, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCFARLAND, MCKNIGHT, MINCEY, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, STEFANSKI, TURNER, WHEAT, AND WRIGHT
AN ACT

To amend and reenact R.S. 40:1379.3(N)(5) and 1796(A), relative to the regulation of firearms; to provide relative to the authority of political subdivisions to regulate the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms; to provide relative to the concealed carry of handguns and the regulation of firearms by political subdivisions in certain locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(N)(5) and 1796(A) are hereby amended and reenacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

N. No concealed handgun may be carried into and no concealed handgun permit issued pursuant to this Section shall authorize or entitle a permittee to carry a concealed handgun in any of the following:

* * *

(5) A municipal building or other public building or structure, only if the building or structure is utilized as the meeting place of the governing authority of a political subdivision.

* * *

§1796. Preemption of state law

A. No governing authority of a political subdivision shall enact after July 15, 1985, any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition; however, this Section shall not apply to the levy and collection of

sales and use taxes, license fees and taxes and permit fees, nor shall it affect the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain the commercial establishments and public buildings enumerated in R.S. 40:1379.3(N).

* * *

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 300

HOUSE BILL NO. 202
BY REPRESENTATIVE HORTON
AN ACT

To amend and reenact R.S. 47:1525(A), (B)(1)(introductory paragraph), (2)(a) (introductory paragraph), and (b), to enact R.S. 47:1525(B)(1)(i), (j), (k), (l) and (6), and to repeal R.S. 47:1525(B)(1)(d), relative to the Louisiana Tax Institute; to provide for the membership of the institute; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1525(A), (B)(1)(introductory paragraph), (2)(a)(introductory paragraph), and (b) are hereby amended and reenacted and R.S. 47:1525(B)(1)(i), (j), (k), (l) and (6) are hereby enacted to read as follows:

§1525. Louisiana Tax Institute; membership, terms, and duties and powers

A. There is hereby established within the Department of Revenue legislature the Louisiana Tax Institute, hereinafter referred to as "Institute" which shall be a public body and shall serve as the official advisory tax law revision and tax law reform agency of the state of Louisiana.

B.(1) The Institute shall be governed by a board of ~~eight~~ eleven members which shall include:

* * *

(i) One member appointed by the speaker of the House of Representatives, or his designee.

(j) One member appointed by the president of the Senate, or his designee.

(k) The executive director of the Louisiana Uniform Local Sales Tax Board, or his designee.

(l) One member appointed by the Secretary of State, or his designee.

(2)(a) Except for the secretary of the Department of Revenue, and the governor's designee, and the members appointed by the speaker of the House of Representatives and the president of the Senate, all members of the board shall serve three-year terms, except for initial terms which shall be determined by lot at the first meeting of the board as follows:

* * *

(b) The secretary of the Department of Revenue, and the governor's designee and the members appointed by the speaker of the House of Representatives and the president of the Senate shall serve during the duration of their appointment to those positions ~~by the governor.~~

* * *

(6) The speaker of the House of Representatives and the president of the Senate shall determine and designate the chairman of the governing board of the Institute.

* * *

Section 2. R.S. 47:1525(B)(1)(d) is hereby repealed in its entirety.

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

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 301

HOUSE BILL NO. 636
BY REPRESENTATIVE IVEY
AN ACT

To enact Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:671 through 676, relative to the legislature; to create and provide for the Joint Legislative Committee on Technology and Cybersecurity; to provide for its membership, powers, functions, and duties; to require public entities to provide information, data, and assistance to the committee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:671 through 676, is hereby enacted to read as follows:

**CHAPTER 11. JOINT LEGISLATIVE COMMITTEE
ON TECHNOLOGY AND CYBERSECURITY**

§671. Committee created; membership and composition

A. The Joint Legislative Committee on Technology and Cybersecurity, hereinafter referred to as the "committee", is hereby created and established to assist the legislature in the evaluation and oversight of matters involving information technology for the state and its political subdivisions as deemed appropriate by the committee or the legislature.

B.(1) For purposes of this Chapter the phrase "information technology" shall include the equipment, services, and means necessary to provide:

(a) Telecommunications systems and services.

(b) Network systems and services.

(c) Server systems and services.

(d) Storage systems and services.(e) Information technology security systems and services.

(f) Related peripheral systems and services.

(g) Software and software application services.

(h) Infrastructure and platform systems and services.

(i) Desktop computing systems and services.

(j) Geographic information systems and services.

(k) Mobile device systems and services.

(l) Video systems and services.

(m) Radio systems.

(n) Any and all systems and services based on emerging and future information technologies relating to Subparagraphs (a) through (m) of this Paragraph.

(2) The legislature, by concurrent resolution, may include other matters within the committee's scope of authority.

C. The committee shall be composed of five members of the House of Representatives appointed by the speaker of the House of Representatives and five members of the Senate appointed by the president of the Senate. In making these appointments, the presiding officers shall appoint members with technological knowledge and experience, to the extent possible.

D. No action shall be taken by the committee or by a subcommittee thereof, except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately, a quorum of the committee or subcommittee being present. A quorum of a committee or a subcommittee shall consist of a majority of the total membership thereof.

E. The committee shall select a chairman and a vice chairman, and such other officers as it deems necessary.

F. The members of the committee shall receive the same per diem and travel allowance in the performance of their duties as is provided for standing committees of the legislature.

§672. Duties and functions

A. The committee may study and examine matters pertaining to information technology of the state and its political subdivisions as deemed appropriate by the committee or the legislature.

B. The committee may review the needs and performance of the office of technology services and make periodic recommendations to the legislature and the governor regarding the office and the state master information technology plan.

C.(1) The committee shall assess all cybersecurity risks facing public entities in Louisiana, including the potential likelihood, frequency, and severity of cyberattacks and data breaches. The committee shall work with law enforcement and the office of technology services and develop recommendations and strategies to mitigate the damage to the public relative to those cybersecurity risks.

(2) The committee shall review cybersecurity investments and expenditures and make recommendations, where appropriate.

D. The committee may make such continuing study and examination of matters pertaining to the information technology of the state and its agencies, and make reports and recommendations to the legislature as the committee or legislature deems advisable. The committee may make such studies and hold such hearings with respect to information technology as it deems necessary and appropriate to carry out its duties and functions.

E. Any information received by the committee containing confidential, proprietary, or security sensitive information shall be held confidential and the committee may discuss such information in executive session with appropriate notice in accordance with the Open Meetings Law.

F. The committee may adopt rules and regulations prescribing and governing its procedures, policies, meetings, and any and all other activities relating to its functions and duties.

§673. Budget requests and expenditure requests; technology funds, fees, and donations; review

A. At the request of the Joint Legislative Committee on the Budget, the committee shall review any budget request or expenditure request related to technology or cybersecurity. The committee shall perform its review and submit its comments and recommendations regarding the request to the Joint Legislative Committee on the Budget in a timely manner.

B. Each agency shall submit any request by the agency to deviate from normal or standard technology procurement processes to the committee for review.

C. The committee may review all technology fees and expenditures related to information technology from dedicated funds and shall report its findings and recommendations as it deems appropriate.

§674. State agencies, political subdivisions; assistance to committee

A. All agencies, boards, commissions, and departments of the state and of any of its political subdivisions, shall assist the committee in its work and

furnish such information, reports, aid, services, and assistance as may be requested by the committee.

B. In order to assist the committee in its study and examination of information technology required by this Chapter, each public entity shall provide to the committee, upon request, any information the committee requests regarding the entity's information technology.

§675. Powers

The committee shall have the power and authority to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities, including the power to punish for contempt and to initiate the prosecution, in accordance with the laws of this state, of any individual who refuses to testify or is charged with false swearing or perjury before the committee.

§676. Staff assistance

A. The staff of the House of Representatives and of the Senate shall assist the committee in the performance of its duties and functions.

B. The committee shall request funds from the Legislative Budgetary Control Council in the event that professional experts are necessary for carrying out its duties and functions.

C. The books and records of the committee shall be audited annually by the legislative auditor.

Section 2. No later than thirty days after the effective date of this Act, the presiding officers of the legislature shall appoint the members of the Joint Legislative Committee on Technology and Cybersecurity in the manner provided by the provisions of Section 1 of this Act and jointly shall call the organization meeting of the Joint Legislative Committee on Technology and Cybersecurity no later than September 15, 2020.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 302

SENATE BILL NO. 466
BY SENATOR HEWITT
AN ACT

To enact R.S. 24:7.1 and R.S. 42:17.1 and 29, relative to open meetings; to authorize public bodies, including the legislature and committees of the legislature, to conduct certain meetings electronically during certain states of emergency or disaster; to provide for requirements related thereto; to provide for meetings of the State Bond Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:7.1 is hereby enacted to read as follows:

§7.1. Participation in certain meetings by teleconferencing or other electronic means for legislative bodies

A. During a gubernatorially declared state of emergency pursuant to R.S. 29:724 et seq., or a gubernatorially declared state of public health emergency pursuant to R.S. 29:766 et seq., and as necessary to provide for the continuity of government and legislative operations during such an emergency, a member shall be counted for quorum purposes for the Senate or the House of Representatives to transact business and for quorum purposes for a committee to transact business if the member participates remotely by telephone, teleconference, or other electronic means.

B.(1) During a gubernatorially declared state of emergency pursuant to R.S. 29:724 et seq., or a gubernatorially declared state of public health emergency pursuant to R.S. 29:766 et seq., and as necessary to provide for the continuity of government and legislative operations during such an emergency, a member shall be permitted to participate in the debate and vote if the member participates remotely by telephone, teleconference, or other electronic means. The member shall certify each vote in writing and file the certification with the secretary of the Senate or the clerk of the House of Representatives.

(2) Any amendment, to be considered during legislative operations taking place remotely by telephone, teleconference, or other electronic means, shall be submitted at least twenty-four hours in advance of consideration of the amendment to the legislative body.

C. The authority provided in this Section during a gubernatorially declared emergency or public health emergency shall be invoked only at the discretion of the presiding officer and shall automatically expire upon the termination of the declared state of emergency.

Section 2. R.S. 42:17.1 and 29 are hereby enacted to read as follows:

§17.1. Exception for meetings during a gubernatorially declared disaster or emergency

A. Notwithstanding any other provision of this Chapter to the contrary, a public body may conduct and its members may attend and participate in a meeting via electronic means provided all of the following:

(1) The governor has declared a state of emergency or disaster involving a geographic area within the jurisdiction of the public body and the nature of the emergency or disaster would cause a meeting of the public body conducted pursuant to the other provisions of this Chapter to be detrimental to the health, safety, or welfare of the public.

(2) The presiding officer of the public body certifies on the notice of the meeting that the agenda of the meeting is limited to one or more of the following:

(a) Matters that are directly related to the public body's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.

(b) Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.

(c) Matters that are critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of this Chapter due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.

(3) The public body and its presiding officer comply with all of the requirements of this Section.

B. No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Section, the public body shall provide for all of the following:

(1) The notice and agenda for the meeting, which shall be posted on the website of the public body, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

(2) Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the public body, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

C. For each meeting conducted pursuant to this Section:

(1) The public body shall provide a mechanism to receive public comment electronically both prior to and during the meeting.

(2) The public body shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.

(3) The presiding officer of the public body shall ensure that each person participating in the meeting is properly identified.

(4) The presiding officer shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

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

(1) "Meeting via electronic means" shall mean a meeting occurring via teleconference or video conference.

(2) "Teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.

(3) "Video conference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

* * *

§29. State Bond Commission; teleconference meetings

A. Subject to the limitations set forth in this Section, the State Bond Commission may hold periodic meetings via electronic means as defined in R.S. 42:17.1 as part of a regular schedule if such meetings comply with all of the following:

(1) A physical anchor location for the meeting shall be established from which the meeting shall originate and at which the presiding officer of the meeting shall be present and conduct the meeting. Any member of the State Bond Commission or any member of the public may participate in person at the anchor location.

(2) Such meetings shall comply with the requirements of R.S. 42:14, 16, 17, 19, 20, and 23.

(3) The State Bond Commission shall adopt and publish procedures for notice of and the conduct of such meeting in advance thereof including but not limited to the means for participation and providing testimony or public comment prior to and during the meeting, including a toll-free call in line for participants and the public, the number for which shall be posted on the website of the State Bond Commission.

(4) All public comments received in writing or by email shall be read into the record during the meeting.

(5) All votes taken in the meeting shall be by roll call vote.

(6) The entire meeting with the exception of a duly called executive session shall be audible to the public and broadcast over the internet.

(7) The meeting shall be recorded and made available to the public in an online archive located on the website of the State Bond Commission.

(8) If a problem occurs that causes the meeting to no longer be visible or audible to the public, the meeting shall be recessed until the problem is resolved. If the problem is not resolved in two hours or less, the meeting shall be adjourned.

B.(1) The number of meetings held via electronic means authorized by this Section shall be one teleconference meeting per quarter during a calendar year.

(2) Under no circumstances shall the State Bond Commission conduct successive meetings by teleconference.

C. A meeting held pursuant to this Section shall not require a quorum to be present at the anchor location of the meeting. All members of the State Bond Commission participating at the anchor location or electronically shall be counted for purpose of establishing a quorum.

D. The provisions of this Section shall not limit the conduct of meetings via electronic means during a gubernatorially proclaimed or declared disaster or emergency in the manner provided by R.S. 42:17.1.

E. The State Bond Commission may adopt rules, regulations, and procedures to allow the public to participate in a meeting via electronic means.

F. For purposes of this Section, "anchor location" means the physical location from which the meeting via electronic means originates or the participants are connected.

G. The provisions of this Section shall cease to be effective on August 1, 2022.

Section 3. Any action taken at a meeting conducted pursuant to and in accordance with the provisions of Section 4 of Proclamation Number JBE 2020-30, and any extension thereof, during the COVID-19 public health emergency shall not be subject to the provisions of R.S. 42:24 and any member of a public body who participated in a meeting conducted pursuant to and in accordance with the provisions of Section 4 of Proclamation Number JBE 2020-30, and any extension thereof, during the COVID-19 public health emergency shall not be subject to the provisions of R.S. 42:28.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 303

SENATE BILL NO. 491

BY SENATOR HEWITT AND REPRESENTATIVES AMEDEE, BACALA,
BEAULLIEU, BUTLER, DAVIS, DUBUISSON, EDMONDS, FREIBERG,
FRIEMAN, GAROFALO, HORTON, MCFARLAND, NELSON, THOMAS,
THOMPSON, WHEAT AND WRIGHT
AN ACT

To amend and reenact R.S. 29:735.3.1(A) and to enact R.S. 29:735.3.2, to provide for limitation of liability for rendering disaster relief, recovery services, or products during a declared state of emergency; to provide certain terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:735.3.1(A) is hereby amended and reenacted and R.S. 29:735.3.2 is hereby enacted to read as follows:

§735.3.1. Immunity for volunteers

A. During a declared state of emergency, any natural or juridical person, who gratuitously and voluntarily renders any disaster relief or, recovery services, **or products** in coordination with the state or its political subdivisions shall not be liable to the recipient thereof for an injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

* * *

§735.3.2. Immunity for emergency efforts

During a declared state of emergency, any natural or juridical person, who renders disaster relief, recovery services, or products outside of the typical course and scope of their operations in coordination with the federal government, the state, or its political subdivisions shall not be liable to the recipient thereof for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.

Section 2. Due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, Section 1 of this Act shall be retroactive to March 11, 2020.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 304

SENATE BILL NO. 494
BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 22:1077(A) and R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular Session, relative to reconstructive surgery following mastectomies; to provide with respect to contralateral prophylactic mastectomies; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1077(A) is hereby amended and reenacted to read as

follows:

§1077. Required coverage for **mastectomies and** reconstructive surgery following mastectomies

A. The legislature hereby finds that approximately three thousand women will be diagnosed with breast cancer each year in Louisiana. Studies documenting breast cancer statistics indicate that Louisiana has the highest mastectomy rate in the nation: fifty-one percent of all women diagnosed with breast cancer will undergo a mastectomy **or bilateral mastectomy** as part of their treatment regimen. Despite laws which require insurers and physicians to inform women that breast reconstruction is an insured surgical option, seven of ten women are not provided this information. The purpose of this Section is to assure that state law mirrors the federal Women's Health and Cancer Rights Act, to extend its application to all health insurance issuers in Louisiana, to stress that decisions regarding **mastectomies and** the reconstructive procedures to be performed shall be made solely by the patient in consultation with attending physicians, and to clarify that **mastectomies and** all stages of breast reconstruction as defined pursuant to this Section are medically necessary and shall not be excluded from coverage.

* * *

Section 2. R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular Session are hereby amended and reenacted to read as follows:

§1077. Required coverage for reconstructive surgery following mastectomies

* * *

B. Any health benefit plan offered by a health insurance issuer that provides medical and surgical benefits with respect to a partial mastectomy or a full unilateral or bilateral mastectomy shall also provide medical and surgical benefits for breast reconstruction. The coverage shall be for **mastectomies, including contralateral prophylactic mastectomies, and** breast reconstruction procedures selected by the patient in consultation with attending physicians. The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established for mastectomy procedures under the health benefit plan. Written notice of the availability of coverage shall be delivered to the insured or enrollee upon enrollment and annually thereafter as approved by the commissioner of insurance.

* * *

F. For purposes of this Section:

~~(1) "Breast reconstruction" means all stages of reconstruction of the breast on which a mastectomy has been performed and on the other breast to produce a symmetrical appearance, including but not limited to liposuction performed for transfer to a reconstructed breast or to repair a donor site deformity, tattooing the areola of the breast, surgical adjustments of the non-mastectomized breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but not limited to lymphedemas.~~

(1) "Breast reconstruction" means both of the following:

(a) All stages of reconstruction of the breast on which a unilateral mastectomy has been performed and on the other breast to produce a symmetrical appearance, including but not limited to **contralateral prophylactic mastectomies**, liposuction performed for transfer to a reconstructed breast or to repair a donor site deformity, tattooing the areola of the breast, surgical adjustments of the non-mastectomized breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but not limited to lymphedemas.

(b) All stages of reconstruction of both breasts if a bilateral mastectomy has been performed, including but not limited to liposuction performed for transfer to a reconstructed breast or to repair a donor site deformity, tattooing the areola of the breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but not limited to lymphedemas.

* * *

Section 2. This Act shall apply to any new policy, contract, program, or health coverage plan issued on or after January 1, 2021. Any policy, contract, or health coverage plan in effect prior to January 1, 2021, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2021.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 305

SENATE BILL NO. 508
BY SENATOR MCMATH AND REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 29:773, to limit the liability of restaurants during a declared state of emergency; to provide certain terms, conditions, and definitions; to provide relative to claims pursuant to the Louisiana Workers' Compensation Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:773 is hereby enacted to read as follows:

§773. Restaurants during declared state of emergency: limitation of liability

A. No owner, operator, employee, contractor, or agent of a restaurant which is in substantial compliance with Proclamation Number 25 JBE 2020 and any subsequent related proclamations and applicable COVID-19 procedures established by a federal, state, or local agency, shall have civil liability for injury or death due to COVID-19 infection transmitted through the preparation and serving of food and beverage products by the restaurant during the COVID-19 public health emergency as declared by Proclamation Number 25 JBE 2020, unless the injury or death was caused by gross negligence or wilful and wanton misconduct. If two or more sources of procedures are applicable to the restaurant operations at the time of the actual or alleged exposure, the owner, operator, employee, contractor, or agent of a restaurant shall substantially comply with any one applicable set of procedures.

B. The provisions of this Section shall include the serving of the prepared food and beverage products by dine-in, takeout, drive-through, or delivery throughout the duration of the COVID-19 public health emergency.

C. Notwithstanding the provisions of Subsection A of this Section, an employee shall retain the rights and remedies granted under the Louisiana Workers' Compensation Law.

D. "Restaurant" means an eating establishment which gives or offers for retail sale prepared food to the public within its premises.

Section 2. Due to the imminent threat posed by COVID-19 as provided in Proclamation Number 25 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, Section 1 of this Act shall be retroactive to March 11, 2020.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 306

SENATE BILL NO. 108
BY SENATORS CATHEY AND CORTEZ
AN ACT

To amend and reenact the heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), 732(B)(1)(f), and 2093(4), R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2), and R.S. 37:3103(A)(3.1) and 3134, relative to the Louisiana Public Livestock Market Charter Law; to expand the definition of livestock market to include buying stations; to provide for definitions; to change certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), 732(B)(1)(f), and 2093(4) are hereby amended and reenacted to read as follows:

§571. Livestock auctioneers

A. Each auctioneer who engages in the auction business exclusively as an employee or agent of a Louisiana public livestock market which is regulated by the Louisiana Board of Animal Health shall register annually with the board.

* * *

C. Each auctioneer who registers with the board shall submit to the board an affidavit stating that the applicant is engaged in the auction business exclusively as an employee or agent of one or more Louisiana public livestock markets which are regulated by the board.

* * *

PART IV. LOUISIANA PUBLIC LIVESTOCK MARKET CHARTER LAW

§661. Short title

This Part shall be known and cited as the Louisiana Public Livestock Market Charter Law.

§662. Policy of state

It is hereby declared to be the policy of the State of Louisiana, and the purpose of this Part, to encourage, stimulate and stabilize the agricultural economy of the state in general, and the livestock economy in particular, by encouraging the construction, development and productive operation of public livestock markets as a key industry of the state with all benefits of fully open, free, competitive factors, in respect to sales and purchases of livestock. No person shall conduct the business of a public livestock market without a valid charter to conduct such market.

§663. Definitions

The following words and phrases as used in this Part, unless the context otherwise requires, shall have the meaning respectively ascribed to them in this Section.

(1) "Board" means the Louisiana Board of Animal Health augmented by the persons named in R.S. 3:665.

(2) "Livestock" means cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish,

turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

(3) "Public livestock market" means any place, establishment or facility commonly known as a "livestock market," "livestock auction market," "sales ring," "stockyard," or the like, operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

(4) "Commissioner" means the Commissioner of the Department of Agriculture.

(5) "Charter" means the charter for public livestock market operation authorized to be issued under this Part.

(2) "Buying station" means a facility that is conducted, operated, or managed as a private livestock market that offers stockyard services.

(3) "Charter" means the charter for livestock market operations authorized under this Part.

(4) "Commissioner" means the Louisiana commissioner of agriculture and forestry.

(5) "Livestock" means cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

(6) "Livestock market" means any place, establishment or facility commonly known as a "buying station", "livestock market", "livestock auction market", "sales ring", "stockyard", or the like, operated for compensation or profit as a market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

* * *

§665. Administration of Part

* * *

B. The Louisiana Board of Animal Health shall determine the day or days on which each public livestock market chartered under the provisions of this Part may conduct sales.

C. Each public livestock market in operation on ~~April 1, 1982~~ **April 1, 2019**, shall retain the sale day or days **contiguous day** on which the public livestock market was conducting sales prior to ~~April 1, 1982~~ **April 1, 2019**.

* * *

§667. Hearings on applications for charter

* * *

C. The commissioner shall publish a notice of the hearing on two separate days in the official journal of the state and in the official journal of the municipality or parish in which the proposed public livestock market will be located.

D. The board shall consider the following factors in determining whether or not a charter should be granted:

* * *

(3) The present market services elsewhere available to the trade area to be served by the proposed public livestock market.

(4) Whether the proposed public livestock market would be permanent and continuous.

(5) The benefits to be derived by the livestock industry from the establishment and operation of the proposed public livestock market.

(6) The economic feasibility of the proposed public livestock market.

E. If the board finds the applicant to be qualified to operate a public livestock market, the board shall grant the charter. If the board finds that the applicant is not qualified to operate a public livestock market or has failed to comply with the requirements of this Part, the board shall deny the charter.

* * *

§669. Issuance of charter; special provision

The owner of any public livestock market operated and conducted as such on ~~July 27, 1966~~ **April 1, 2019** shall be issued a charter for the operation of said market.

§670. Charter required

* * *

B. Each public livestock market shall be chartered separately.

C. When the owner of a facility has leased the facility to another person who is operating a public livestock market at the facility, and the lessee loses his charter for any reason, the owner of the facility shall have the right to apply for a charter to operate the facility as a public livestock market prior to any other person. If the owner of the facility qualifies for the charter, the charter shall be issued to him.

* * *

E. The board may cancel a charter for any one or more of the following

actions:

* * *

(2) The holder is unable to meet the bond or financial requirements for operating a ~~public~~ livestock market.

* * *

(4) The holder has violated the provisions of this Part, the provisions of the rules or regulations adopted under the provisions of this Part, or any applicable federal law or rule or regulation governing the operation of a ~~public~~ livestock market.

* * *

§732. Livestock Brand Commission

* * *

B.(1) The commission shall be comprised of nine members appointed by the commissioner as follows:

* * *

(f) One member appointed from the state at large, who shall be an operator of a Louisiana ~~public~~ livestock market.

* * *

§2093. Powers

The Louisiana Board of Animal Health shall have the following powers and duties:

* * *

(4) To issue charters and determine sale days for ~~public~~ livestock markets in accordance with R.S. 3:665.

* * *

Section 2. R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2) are hereby amended and reenacted to read as follows:

§67.1. Theft of livestock

A. Any of the following acts shall constitute theft of livestock:

* * *

(2) Transporting or causing the transportation of livestock to a slaughterhouse or a ~~public~~ livestock market as defined in R.S. 3:663, for purposes of selling or keeping the livestock or meat with the intent to deprive the owner permanently of the livestock or meat or proceeds derived from the sale of the livestock or meat.

(3) Failing or refusing to pay for livestock purchased from an agent, dealer, ~~public~~ livestock market as defined in R.S. 3:663, or owner, or acquired within thirty days of the date the livestock was purchased or acquired or the date payment was due, whichever is longer, with the intent to permanently deprive the other of the livestock or the value of the livestock.

B. Either of the following acts shall constitute presumptive evidence of the intent to permanently deprive the other of the livestock or meat, or proceeds derived from sale of the livestock or meat:

(1) Assignment of the livestock in a record book maintained by a slaughterhouse or ~~public~~ livestock market as defined in R.S. 3:663, in a name other than that of the owner.

(2) Failing to pay for the livestock within ten days after notice of a request for payment or return of the livestock or meat has been sent by the agent, dealer, ~~public~~ livestock market as defined in R.S. 3:663, or owner, to the offender's last known address by either registered or certified mail, return receipt requested, or by actual delivery by a commercial courier.

* * *

Section 3. R.S. 37:3103(A)(3.1) and 3134 are hereby amended and reenacted to read as follows:

§3103. Definitions of terms

A. As used in this Chapter, these terms shall have the definitions ascribed to them, unless the context indicates otherwise:

* * *

(3.1) "Auction house", "auction company", and "auction business" are synonymous and interchangeable terms and mean any entity, whether a sole proprietorship, partnership, limited liability partnership, limited liability company, corporation, or any other legal entity defined by the board, which arranges, manages, sponsors, advertises, or carries out two or more auctions within any twelve-month period and which regularly represents that goods are sold at auction. However, a public livestock auction business which exclusively auctions livestock and which is regulated as a ~~public~~ livestock market by the Louisiana Board of Animal Health pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for purposes of this Chapter. "Auction house," "auction company," and "auction business" shall not mean an entity which sells property through an Internet-based trading platform unless such entity's activities constitute an "auction" as defined in Paragraph (3) of this Subsection.

* * *

§3134. Livestock auctioneers

The provisions of this Chapter shall not apply to and the board shall not have jurisdiction over auctioneers who are engaged in the auction business exclusively as an employee or agent of a Louisiana ~~public~~ livestock market which is regulated by the Louisiana Board of Animal Health and who are registered with that board as required by ~~R.S. 3:2100~~ **R.S. 3:571**.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 307

SENATE BILL NO. 156
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 22:868(A) and to enact R.S. 22:868(D), relative to insurers; to provide relative to insurance contracts; to provide relative to limiting of actions; to provide certain prohibitions; to provide relative to jurisdiction and venue; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:868(A) is hereby amended and reenacted and R.S. 22:868(D) is hereby enacted to read as follows:

§868. Limiting actions; jurisdiction; **venue**

A. No insurance contract delivered or issued for delivery in this state and covering subjects located, resident, or to be performed in this state, or any group health and accident policy insuring a resident of this state regardless of where made or delivered, shall contain any condition, stipulation, or agreement either:

(1) Requiring it to be construed according to the laws of any other state or country except as necessary to meet the requirements of the motor vehicle financial responsibility laws of such other state or country.

(2) Depriving the courts of this state of the jurisdiction **or venue** of action against the insurer.

* * *

D. The provisions of Subsection A of this Section shall not prohibit a forum or venue selection clause in a policy form that is not subject to approval by the Department of Insurance.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 308

SENATE BILL NO. 163
BY SENATOR CATHEY AND REPRESENTATIVE MCFARLAND
AN ACT

To enact R.S. 3:3816(8), relative to the Horticulture Commission; to provide relative to professions regulated by the Horticulture Commission; to provide relative to licensure requirements; to provide an exemption for certain contractors to licensure requirements; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3816(8) is hereby enacted to read as follows:

§3816. Special provisions

The following provisions shall supersede the requirements and provisions of this Chapter:

* * *

(8) A contractor that is licensed pursuant to R.S. 37:2156.1 and is performing repair work within a right-of-way that covers less than five thousand square feet shall not be required to obtain any license required by this Chapter. For the purposes of this Section, "repair work" means the restoration or replacement of sod disrupted during the course of performing work within the scope of a construction contract or permit.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 309

SENATE BILL NO. 164
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:337.51(A)(2) and to enact R.S. 47:337.51(A)(4), 337.61(5), and 337.80(A)(4) and (D), relative to local sales and use tax administration; to provide relative to local sales and use tax disputes; to provide for guidelines for the use of summary proceedings; to provide

relative to interest on refunds of local sales and use tax; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.51(A)(2) is hereby amended and reenacted and R.S. 47:337.51(A)(4), 337.61(5), and 337.80(A)(4) and (D) are hereby enacted to read as follows:

§337.51. Notice of assessment and right to appeal

A. * * *

(2) If no report has been timely filed, the collector shall send a notice by certified mail to the taxpayer against whom the assessment is imposed at any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from the United States Postal Service certified software. This notice shall inform the taxpayer of the assessment and that he has ~~thirty~~ **sixty** calendar days from the date of the notice to do ~~either any~~ **any** of the following:

(a) Pay the amount of the assessment.

(b) Pay under protest in accordance with R.S. 47:337.63 and then either file suit or file a petition with the Board of Tax Appeals, all as provided for in that Section.

(c) If applicable, consider any rights pursuant to R.S. 47:337.51(A)(4) and other applicable law.

* * *

(4) Notwithstanding any provision of law to the contrary, any person who receives an assessment pursuant to the provisions of Paragraph (2) of this Subsection may take any action authorized in Paragraph (1) of this Subsection within the applicable deadline for action stated in the notice of assessment if the assessment exceeds tax in the amount of one hundred thousand dollars or if the person has never filed a return with that local collector, has never been the subject of any action pursuant to the provisions of R.S. 47:337.45 by that local collector, and has no physical presence in the state.

* * *

§337.61. Collection by summary court proceeding authorized

In addition to any other procedure provided in this Chapter or elsewhere in the laws of this state, and for the purpose of facilitating and expediting the determination and trial of all claims for taxes, penalties, interest, attorney fees, or other costs and charges arising, there is hereby provided a summary proceeding for the hearing and determination of all claims by or on behalf of the taxing authority, or by or on behalf of the collector, for taxes and for the penalties, interest, attorney fees, costs or other charges due thereon, by preference in all courts, all as follows:

* * *

(5) The provisions of this Section shall apply only in the following instances:

(a) The proceeding is for collection of a tax assessment that has become final, or to which the provisions of R.S. 47:337.54 or 337.55 apply.

(b) A jeopardy assessment has been or could be issued against the defendant pursuant to R.S. 47:337.53 for the same tax.

(c) A rule to cease business has been or is concurrently brought against the defendant pursuant to R.S. 47:337.33 or 337.46.

(d) The matter involves the special authority to enforce collection of taxes collected from others pursuant to R.S. 47:337.46.

(e) A taxpayer or dealer that fails to make and file any required return or report where the collector estimates the tax due to be less than one hundred thousand dollars.

* * *

§337.80. Interest on refunds or credits

A. Each collector shall compute on all refunds or credits and allow interest as part of the refund or credit as follows:

* * *

(4)(a) Beginning January 1, 2021, notwithstanding Paragraphs (1), (2), and (3) of this Subsection or any other provision of law to the contrary, on all refunds or credits the collector shall compute and allow as part of the refund or credit, interest from ninety days after the later of the due date of the return, the date that the taxpayer gave the political subdivision notice of the taxpayer's intention to file suit for the recovery of any taxes paid, the filing date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid.

(b) Interest shall be at the average prime or reference rate as computed by the commissioner of financial institutions pursuant to R.S. 13:4202(B), per year, but without the addition of one percentage point to the average prime or reference rate and without regard to the limitations contained in R.S. 13:4202(B).

(c) An overpayment shall bear no interest if it is credited to the taxpayer's account.

(d) For purposes of this Section, a claim for refund shall be submitted in the form and with the documentation provided for by rules promulgated by the Louisiana Uniform Local Sales Tax Board, pursuant to R.S. 47:337.102(C)(2).

* * *

D. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required by statute or regulation.

Section 2. This Act shall become effective July 1, 2020, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2020, or the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 12, 2020.

A true copy:

THE ADVOCATE
PAGE 30

* As it appears in the enrolled bill

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

R. Kyle Ardoin
Secretary of State

ACT No. 310

SENATE BILL NO. 180
BY SENATOR MORRIS
AN ACT

To amend and reenact R.S. 22:512(16), 513, 519, 1545(C)(2), and 1571(E)(1), relative to title insurers; to provide definitions; to provide for qualifications and licensing of individual and agency title insurers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:512(16), 513, 519, 1545(C)(2), and 1571(E)(1) are hereby amended and reenacted to read as follows:

§512. Definitions

As used only in this Subpart, the following words are defined as:

* * *

(16) (a) **“Title individual title insurance producer” or “individual producer” shall mean a licensed natural person who is either a resident of this state or a nonresident individual who is employed by a resident licensee, authorized on behalf of the title insurer to issue title insurance reports or policies.**

(b) “Agency title insurance producer” or “agency producer” shall mean a business entity appointed to represent a title insurer, whose principal place of business is physically located in this state, or who has designated a resident licensed individual producer employed by the business entity as responsible for complying with the requirements of this Section.

* * *

§513. Title insurers and producers; qualifications

A. Only those persons authorized as a title insurer or producer insurers or producers pursuant to this Title shall be qualified to issue a title insurance policy policies or reports or otherwise transact the business of title insurance. Notwithstanding any other law to the contrary, all title insurance policies and reports covering any insurable interest in title to immovable property located in this state shall be signed by a producer licensed in this state under this Subpart or by an employee of a title insurer issuing the title insurance policies and reports when ~~such~~ **the employee is a producer licensed in this state under this Subpart.**

B. The qualifications for each individual title insurance producer shall be as follows:

(1) Shall be a natural person at least eighteen years of age.

(2) Shall be a resident of this state or be a full-time employee of a licensed agency producer whose principal place of business is physically located in this state.

(3) Shall hold a high school diploma, a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or a high school equivalency diploma issued after successfully completing the test of general educational development.

(4) Shall be able to read, write, speak, and be sufficiently knowledgeable of the English language.

(5) Shall receive a passing score on the title insurance examination administered by the department.

(6) Shall complete the required hours of prelicensing education under R.S. 22:1545 and 1571 related to Louisiana property law and title insurance, within the one-year period prior to application.

C. The qualifications for each agency title insurance producer shall be as follows:

(1) Shall be a Louisiana entity whose principal place of business is physically located in this state, or a foreign entity registered to do business in this state whose principal place of business within Louisiana is suitable for conducting the business of title insurance and real estate closing.

(2) Shall employ at least one licensed individual producer designated with responsibility for ensuring compliance with the requirements of this Section.

(3) Shall maintain its appointment to represent a title insurer, along with affiliation of the individual producer designated in Paragraph (2) of this Subsection.

(4) The entity and its designated individual producer shall not have had an agency producer license, or its equivalent or an individual producer license, or its equivalent, suspended, revoked, or refused in any other state, province, district, or territory.

* * *

§519. Title insurance producers; examination

A. The department or title insurer may during normal business hours examine, audit, and inspect any and all books, records, files, and escrow and operating accounts related to the title insurance business maintained by a title insurance producer its successor in interest, transferee, or receiver as provided under this Subpart.

B. In order to comply with the provisions of this Section, a producer shall maintain records in legible format, readily accessible to the department, and in a location fully accessible from or physically existing in Louisiana.

* * *

§1545. Examination

* * *

C.(1)

* * *

(2) This Subsection shall not apply to any applicant seeking authorization to write industrial fire, limited life, health and accident, surety, title, surplus lines, or credit insurance business only.

* * *

§1571. Registered insurance producer and bail bond producer preclicensing program

* * *

E.(1) Each registered insurance producer preclicensing program for lines other than bail bonds shall provide instruction by a qualified instructor in a structured setting or by verifiable approved self-study with a minimum of twenty hours of supervised instruction or self-study, including instruction in applicable insurance principles, state laws and regulations, and ethical practices, for each of the following lines of authority a license is sought: life, health and accident, property, casualty, **title**, and personal lines.

* * *

Section 2. This Act shall become effective on January 1, 2021.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 311

SENATE BILL NO. 189
BY SENATORS WHITE AND CLOUD
AN ACT

To enact Subpart M of Part II-A of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.41 through 100.47 and R.S. 47:1508(B)(43), relative to special funds; to create special funds for the deposit of certain federal monies; to create the Coronavirus Local Recovery Allocation Fund, the Louisiana Main Street Recovery Fund, and the State Coronavirus Relief Fund; to create and to provide relative to the Coronavirus Local Recovery Allocation Program and the Louisiana Main Street Recovery Programs relative to the use of monies in the funds; to provide relative to the allocation, use, and disbursement of the monies in the funds; to provide relative to the powers and duties of the commissioner of administration, the Governor's Office of Homeland Security and Emergency Preparedness, the treasurer, and the legislative auditor with respect to such monies; to provide for legislative intent; to provide for the dedication of certain revenues and for the deposit of and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart M of Part II-A of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.41 through 100.47, are hereby enacted to read as follows:

SUBPART M. COVID -19 DISASTER FUNDS

§100.41. Legislative Intent

It is the intent of the Legislature to provide economic support to Louisiana political subdivisions and businesses for costs incurred for and continued response to the Coronavirus disease (COVID-19) pandemic from federal funds provided pursuant to Section 5001 of the CARES Act, which created the Coronavirus Relief Fund from which the State received over one billion eight hundred million dollars (CARES Act), of which the State's portion is over nine hundred ninety-one million dollars. The State desires to use a portion of the remaining portion of the CARES Fund monies in the amount of five hundred eleven million one hundred seventy-eight thousand seven hundred four dollars for economic support through the Coronavirus Local Recovery Program for local government units to be administered by the division of administration and the Governor's Office of Homeland Security and Emergency Preparedness. The State further desires to use a portion of the CARES Fund monies in the amount of three hundred million dollars for the Louisiana Main Street Recovery Program for economic support for eligible businesses to be administered by the State Treasurer, all as established in this Subpart.

§100.42. Definitions

For the purposes of this Subpart, the following terms shall have the following meanings:

(1) "Allocation Fund" shall mean the Coronavirus Local Recovery Allocation Fund.

(2) "Allocation Program" shall mean the Local Recovery Allocation Program administered by the commissioner of administration and GOHSEP.

(3) "CARES Act" shall mean the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136 and any guidance or regulations issued by the United States Treasury as of the date of this Act or thereafter relative to the CARES Act.

(4) "CARES Fund" for the purposes of this Subpart, shall mean the monies received by the state from the federal government pursuant to the CARES Act for in the amount of one billion eight hundred two million six hundred nineteen thousand three hundred forty-two dollars.

(5) "Commissioner" shall mean the Commission of the division of administration of the State.

(6) "COVID-19" means the Coronavirus disease 2019.

(7) "Eligible business" means a for profit corporation, a limited liability company, a partnership, or a sole proprietorship that meets all of the following criteria:

(a) Was domiciled in Louisiana as of March 1, 2020.

(b) Is in good standing with the Secretary of State, if applicable.

(c) Suffered an interruption of business caused by forced or voluntary closures or restricted operations due to social distancing measures, decreased customer demand, cleaning or disinfection expenses, and providing personal protective equipment.

(d) Has at least fifty percent owned by one or more Louisiana residents, whether individual resident citizens or Louisiana domestic business entities.

(e) Filed Louisiana taxes for tax year 2018 or 2019, or, if an eligible business formed on or after January 1, 2020, intends to file Louisiana taxes for tax year 2020.

(f) Has customers or employees coming to its physical premises.

(g) Had no more than fifty full-time equivalent employees as of March 1, 2020.

(h) Is not a subsidiary of a business with more than fifty full-time equivalent employees, is not part of a larger business enterprise with more than fifty full-time equivalent employees, and is not owned by a business with more than fifty full-time equivalent employees.

(i) Does not exist for the purpose of advancing partisan political activity. Does not directly lobby federal or state officials.

(j) Does not derive income from passive investments without active participation in business operations.

(8) "Grant" means an award by the Treasurer to an eligible business.

(9) "GOHSEP" shall mean the Governor's Office of Homeland Security and Emergency Preparedness.

(10) "Interruption of business" means business interruption caused by forced or voluntary closures or restricted operations, including but not limited to social distancing measures, decreased customer demand, cleaning or disinfection expenses, and providing personal protective equipment, related to COVID -19.

(11) "Louisiana taxes" means all taxes administered by the secretary of the Department of Revenue pursuant to Title 47 of the Louisiana Revised Statutes of 1950, as amended.

(12) "Local government unit" means a parish, municipality, town, township, village or other unit of general government below the State level with parishwide jurisdiction including, but not limited to, sheriffs, coroners, and district attorneys. Entities which do not fit within the definition of political subdivision as used in this Subpart, shall have the parish with which they are affiliated submit the application.

(13) "Minority business enterprise" means a small business organized for profit performing a commercially useful function which is at least fifty percent owned by one or more minority individuals, women, or veterans, who also control and operate the business. In addition to the requirements of this Subparagraph, if more than one person owns the enterprise, at least fifty percent of the owners must be resident citizens of the State. For the purposes of this Subparagraph, "control" means exercising the power to make policy decisions and "operate" means being actively involved in the day-to-day management of the business.

(14) "Recovery Program" means the Louisiana Main Street Recovery Program.

(15) "State" means the state of Louisiana.

(16) "Treasurer" means the state treasurer of Louisiana.

§100.43. Coronavirus Local Recovery Allocation Program

A. There is hereby created the Coronavirus Local Recovery Allocation Program to be administered by the commissioner of the division of administration, in consultation with the Governor's Office of Homeland Security and Emergency Preparedness, in accordance with the provisions of this Subpart.

B. There is hereby created and established in the state treasury, as a special fund, the Coronavirus Local Recovery Allocation Fund, hereinafter referred to as the "Allocation Fund" for the purpose of providing monies to local governments for the expenditures incurred and in response to the COVID-19 pandemic.

C. Pursuant to legislative appropriation, the treasurer is hereby authorized and directed to deposit in and credit to the Allocation Fund five hundred eleven million one hundred seventy-eight thousand seven hundred four dollars pursuant to Section 5001 of the CARES Act. The monies in the Allocation Fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the Recovery Fund shall be deposited in and credited to the Allocation Fund. Except as provided in this Section and if applicable under federal guidelines, unexpended and unencumbered monies in the Allocation Fund shall remain in the Allocation Fund. Monies in the Allocation Fund shall be appropriated and used solely as provided in this Section.

D. From the initial amount deposited into and credited to the Allocation Fund, one-half of one percent shall be available for appropriation to GOHSEP to be used for administering the program. GOHSEP is hereby authorized to use staff as necessary from the office of Community Development for administrative and technical support. One-half of one percent shall be available to be appropriated to the legislative auditor for the costs of reviewing the program. The remaining monies in the Allocation Fund shall be available to GOHSEP to provide funds to political subdivisions in Fiscal Years 2020 and 2021 pursuant to the Allocation Program as established in this Section.

E. The commissioner of administration, in consultation with GOHSEP and the Office of Community Development in the division of administration, shall develop procedures to govern the administration of the program, and determine the maximum allocation of monies in the Allocation Fund available for each parish to submit eligible applications for funds. The commissioner may promulgate emergency rules, as necessary for the administration of this program. The commissioner shall institute the program no later than June 5, 2020. The commissioner shall cause information regarding the program to be published on the websites of the State, the division of administration, and GOHSEP. The commissioner shall notify each parish of the provisions herein.

F. The commissioner of administration shall develop a method to determine the maximum allocation for each parish based on total population of the parish and the number of confirmed cases of COVID-19 within the parish. The commissioner shall notify each applicant that there is no guarantee that the amount of funds received by the local government units of a parish shall equal the maximum amount allocated to the parish. If on November 1, 2020, any parish has an unobligated portion of their allocation, the unobligated portion may be moved by the commissioner of administration to other parishes which have used all of their allocation and have remaining submissions, subject to approval of the Joint Legislative Committee on the Budget.

G. The monies allocated to local government units in each parish shall only be for eligible expenses as provided in the CARES Act.

H. Within fifteen calendar days after receiving a submission for reimbursement pursuant to this Section, GOHSEP and the division of administration shall review and, if eligible, approve the submission, and forward the approved eligible expenditures to GOHSEP for disbursement. Funds for verified claims shall be disbursed by GOHSEP within five business days of receipt by GOSHEP.

I. Any claims for expenses incurred after December 30, 2020, or submitted to the division of administration after January 31, 2021, shall be ineligible for payment pursuant to the provisions of the CARES Act.

J. No later than the fifteenth day of each month, the director of GOHSEP and the commissioner of administration jointly shall submit a report to the Joint Legislative Committee on the Budget detailing by parish the amounts requested for reimbursement pursuant to this Section, the amounts actually reimbursed, and the average time for disbursing funds to each parish.

K. Each local governmental unit shall provide a certification, on a form developed by the commissioner of administration and GOHSEP, signed by the authorized chief executive of the local government that the proposed uses of the funds are consistent with the CARES Act. The certification shall also provide that the local government unit shall hold the State harmless and indemnify the State in the event that payments were misappropriated, converted, and/or spent for any purpose other than those authorized by and in accordance with the CARES Act as determined by any executive, administrative, or judicial body of competent jurisdiction.

L. Any unobligated balance in the fund on December 1, 2020, shall be transferred to the State Coronavirus Relief Fund.

§100.44. Louisiana Main Street Recovery Program

A. There is hereby created the Louisiana Main Street Recovery Program to be administered by the state treasurer in accordance with the provisions of this Subpart.

B. There is hereby created in the state treasury, as a special fund, the Louisiana Main Street Recovery Fund, hereinafter referred to as the "Recovery Fund", to provide economic support to eligible Louisiana businesses for costs incurred in connection with COVID-19, including business interruptions caused by forced closures or restricted operations resulting from voluntary closures instituted to promote social distancing, and resulting decreased customer demand, cleaning or disinfection, and providing personal protective equipment. Expenses reimbursed by business interruption insurance or disallowed by the CARES Act or any guidance or regulation issued by the United States Department of the Treasury shall not be an eligible expense.

C. Pursuant to legislative appropriation, the treasurer is hereby authorized and directed to deposit in and credit to the Recovery Fund three hundred million dollars of the federal monies allocated to Louisiana pursuant to Section 5001 of the CARES Act. The monies in the Recovery Fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the Recovery Fund shall be deposited in and credited to the Recovery Fund. Except as provided in this Section and applicable under federal guidelines, unexpended and unencumbered monies in the Recovery Fund shall remain in the Recovery Fund. Monies in the Recovery Fund shall be appropriated and used solely as provided in this Section.

D. Up to five percent of the monies initially deposited in the Recovery Fund shall be appropriated to the treasurer for use in Fiscal Years 2020 and 2021 to develop procedures for the administration of and for the costs of administering the Louisiana Main Street Recovery Program. Such expenses may include costs for the treasurer and the legislative auditor for work performed in execution of the program. Notwithstanding any provision of law to the contrary, the treasurer may enter into a consulting services contract as an emergency procurement, to expedite the distribution of the funds appropriated for the Recovery Program. The cost of such contract shall be an administrative expense of the Recovery Program.

E. All remaining monies in the Recovery Fund, after providing for administrative expenses, shall be appropriated for grants to eligible businesses that submit applications pursuant to this Section provided that any grant programs have been approved by the Joint Legislative Committee on the Budget.

F.(1) No later than June 20, 2020, the treasurer shall submit a proposal for distribution of grants available through the Louisiana Main Street Recovery Program to the Joint Legislative Committee on the Budget for approval prior to any disbursement. The proposal shall contain recommendations from the treasurer and shall reflect the work product of any contract consultants and the legislative auditor. The proposal shall include details of the program, including the amount of each grant, the purpose of the grant, the category of recipients of each grant, the number of eligible recipients, documentation required for receipt of a grant and the planned method of distribution. Any proposal submitted to the Joint Legislative Committee on the Budget shall contain recommended proposals to address, within the first twenty-one days, the needs of eligible businesses that meet all of the following criteria:

(a) The eligible business did not receive a United States Small Business Administration-Guaranty Paycheck Protection Program loan or a United States Small Business Administration Economic Injury Disaster Loan Emergency Advance.

(b) The eligible business did not receive and has not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by a grant under this Section.

(c) The eligible business did not received compensation from an insurance company for the interruption of business.

(2) The proposal shall next address the needs of eligible businesses after the initial twenty-one day period.

G. The treasurer shall develop application forms to be used in operation of the Recovery Program.

H. In no event shall any grant exceed fifteen thousand dollars.

I. The treasurer shall work with the Department of Revenue to verify applicant tax information and with the Department of Education to promote applications by childcare organizations.

J. Notwithstanding any provision of this Section to the contrary, the treasurer shall ensure that within the first sixty days of the Recovery Program no less than forty million dollars in grants, exclusive of administrative expenses, shall be awarded to minority business enterprises.

K. Each recipient of a grant shall provide a certification, on a form developed by the treasurer, signed by the authorized chief executive of the eligible business, as defined in the program approved by the Joint Legislative Committee on the Budget, that the proposed use of the funds are consistent with the CARES Act. The certification shall also provide that the business shall hold the State harmless and indemnify the State in the event that payments were misappropriated, converted, and/or spent for any purpose other than those authorized by and in accordance with the CARES Act as determined by any executive, administrative, or judicial body of competent jurisdiction.

L. Within fifteen calendar days after receiving a submission pursuant to this Section, the treasurer shall review and, if the grant is eligible under the provisions of this Section and the procedures developed by the treasurer and approved by the Joint Legislative Committee on the Budget, the treasurer may approve the grant, funds appropriated for verified claims shall be disbursed by the treasurer within five business days of the approval.

M. Any claims for expenses incurred after December 30, 2020, or submitted to the treasurer after January 31, 2021, shall be ineligible for payment pursuant to the provisions of the CARES Act.

N. No later than the fifteenth day of each month, the treasurer shall submit a report to the Joint Legislative Committee on the Budget detailing the number of grant submissions, the number of grants awarded, the amount of each grant awarded, the purpose of the grant, the recipient of each grant, the number of eligible recipients who have requested a grant and have not received an award, and the obligated and unobligated balances in the Recovery Fund, and the average time for disbursing funds to each recipient of a grant.

O. No later than July 1, 2020, the treasurer shall announce the date the program shall begin.

P. Notice of the Recovery Program, and the availability of awards from the Recovery Fund shall be provided to the commissioner to be published on the web pages of each department in the executive branch, the main pages for the legislative website, and in statewide news outlets at least ten days to the beginning of the program.

Q. Any unobligated balance in the fund on December 1, 2020, shall be transferred to the State Coronavirus Relief Fund.

§100.45. State Coronavirus Relief Fund

A. There is hereby created and established in the state treasury, as a special fund, the State Coronavirus Relief Fund, hereinafter the "Relief Fund". The treasurer is authorized and directed to deposit monies appropriated by the legislature from the CARES Fund to the Relief Fund. On December 1, 2020, the treasurer is authorized and directed to transfer any unobligated monies in the Coronavirus Local Recovery Allocation Fund and the Louisiana Main Street Recovery Fund to the Relief Fund. Monies in the Relief Fund may be used by the State, subject to appropriation, for the purposes of providing monies to local government units, eligible businesses, or the state in accordance with the provisions of this Subpart and the CARES Act.

B. The monies in the Relief Fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the Relief Fund shall be deposited in and credited to the Relief Fund. If applicable under federal guidelines, unexpended and unencumbered monies in the Relief Fund shall remain in the Relief Fund.

§100.46. Changes in federal legislation

If federal legislation introduced and enacted which authorizes federal disaster funds to be used for revenue loss, the Joint Legislative Committee on the Budget is authorized to transfer any remaining funds to the Coronavirus Local Recovery Allocation Fund for disbursement.

§100.47. Duties of the legislative auditor

For purposes of this Subpart, the legislative auditor is hereby authorized to review all applications for compliance with the provisions of the programs established in this Subpart. The treasurer's office and the Governor's Office of Homeland Security and Emergency Preparedness shall be responsible for providing the legislative auditor all claims and necessary documentation to carry out his reviews. The legislative auditor shall report any findings to the Legislative Audit Advisory Council and the Joint Legislative Committee on the Budget.

Section 2. R.S. 47:1508(B)(43) is hereby enacted to read as follows:

§1508. Confidentiality of tax records

* * *

B. Nothing herein contained shall be construed to prevent:

* * *

(43) The sharing or furnishing, in the discretion of the secretary, of information to the Department of the Treasury to be used solely for the purposes of administering the Louisiana Main Street Recovery Program and Fund as provided in R.S. 39:100.44. The secretary shall not disclose any data from returns or reports provided by the Internal Revenue Service. Any information shared or furnished shall be considered and held confidential and privileged by the Department of the Treasury to the same extent provided for in Subsection A of this Section.

* * *

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 312

SENATE BILL NO. 218
BY SENATOR CLOUD
AN ACT

To amend and reenact R.S. 18:461(A)(1) and to enact R.S. 18:461(A)(4) and (5), relative to qualifying of candidates for primary elections; to require proof of identity; to provide relative to the nature of any such documents; to provide relative to the duties and responsibilities of qualifying officials relative thereto; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:461(A)(1) is hereby amended and reenacted and R.S. 18:461(A)(4) and (5) are hereby enacted to read as follows:

§461. Manner of qualifying

A.(1) A person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed **and shall provide proof of identity in the form of a valid Louisiana driver's license or Louisiana identification card issued by the Department of Public Safety and Corrections.** A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee. A candidate serving in the armed forces of the United States who is stationed or deployed outside of the United States shall not be required to pay any qualifying fee or any additional fee.

* * *

(4)(a) If a notice of candidacy is filed pursuant to Paragraph (2)(a) of this Subsection, the qualifying official shall compare the name and address on the proof of identity with the information on the notice of candidacy, shall make a notation in the database of the secretary of state if the address on the proof of identity is different than the address on the notice of candidacy, and shall return the proof of identity to the candidate.

(b) If a notice of candidacy is filed pursuant to Paragraph (2)(b) or (d) of this Subsection, a copy of the candidate's proof of identity shall be sent to the qualifying official with the notice of candidacy. The qualifying official shall compare the name and address shown on the copy of the proof of identity with the information on the notice of candidacy, shall make a notation in the database of the secretary of state if the address on the copy of the proof of identity is different than the address on the notice of candidacy, and shall destroy the copy of the proof of identity.

(c)(i) If a notice of candidacy is filed pursuant to Paragraph (2)(c) of this Subsection, a copy of the candidate's proof of identity shall be provided by the agent to the qualifying official with the notice of candidacy. The qualifying official shall compare the name and address shown on the copy of the candidate's proof of identity with the information on the notice of candidacy, shall make a notation in the database of the secretary of state if the address on the copy of the candidate's proof of identity is different than the address on the notice of candidacy, and shall destroy the copy of the candidate's proof of identity.

(ii) In addition, the agent shall provide proof of his identity in the form of a valid Louisiana driver's license or Louisiana special identification card issued pursuant to R.S. 40:1321 to the qualifying official. The qualifying official shall compare the name and address shown on the agent's proof of identity with the information on the agent's affidavit and shall return the agent's proof of identity to the agent.

(5) When the address on the proof of identity of a candidate is different than the candidate's address on the notice of candidacy, the secretary of state shall make a notation that there is a difference on any list on his website which contains the name of the candidate.

* * *

Section 2. This Act shall become effective on January 15, 2021.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 313

SENATE BILL NO. 231
BY SENATOR TALBOT
AN ACT

To enact R.S. 22:1203(E), 1205(C)(8) and (9), 1209, 1210, 1215.1(4), 1216, and 1217, and to repeal R.S. 22:1205(7), relative to the Louisiana Health Plan; to provide relative to coverage for preexisting conditions; to provide for assessment of service charges; to provide for fees; to provide for policy provisions and penalties; to provide relative to health insurance rejections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1203(E), 1205(C)(8) and (9), 1209, 1210, 1215.1(4), 1216, and 1217 are hereby enacted to read as follows:

§1203. Creation of the plan

* * *

E.(1) Upon a finding that federal and state law no longer prohibits carriers in the individual market from rejecting applicants for health insurance coverage based on the presence of preexisting health conditions or excluding health care coverage for preexisting conditions, the commissioner may submit written notification to the Joint Legislative Committee on the Budget and the House and Senate committees on insurance of his intention to reactivate the Louisiana Health Plan. The notice shall include the commissioner's reasoning for finding reactivation necessary and the proposed date for the plan to restart operations.

(2) Unless one of the committees notified by the commissioner convenes and votes to reject the commissioner's proposal to reactivate the Louisiana Health Plan no later than thirty days after the written notice is received, the board provided for in R.S. 22:1205 shall reconvene and submit a new plan of operation to the commissioner for approval within ninety days of the date the written notice was submitted.

* * *

§1205. Plan of operation

* * *

C. In its plan of operation the board shall:

* * *

(8) The cessation plan approved and in effect on January 1, 2020, shall continue in effect until and unless the commissioner notifies the board in writing of his intent to exercise his authority under this Paragraph to reestablish the Louisiana Health Plan.

(9) Upon approval of the plan of operation provided for in R.S. 22:1203(E)(2), the board shall resume operations as provided for in that plan.

* * *

§1209. Service charges

A.(1) Each patient who is not a private-pay patient, is not covered by Medicare or any other public program, is not covered by the Office of Group Benefits program, and is not covered by an insolvent insurer who is admitted to a hospital for treatment, other than psychiatric care or alcohol or substance abuse, shall be assessed a service charge in the amount provided in Subsection G of this Section for each day or portion thereof during which the patient is confined in that facility.

(2) Each hospital in which a patient is confined shall calculate the total service charge due for that patient's period of confinement and shall include the total service charge in the bill for services rendered to the patient. The individual patient may be obligated to pay the service charge assessed in the event that an insurance arrangement pays for any medical charges or benefits but fails to pay the service charge assessed pursuant to this Section. The service charge shall be collected as provided for in the plan of operation of the plan established pursuant to R.S. 22:1205.

(3) For purposes of this Section, "hospital" shall not include any hospital operated by the state or any hospital created or operated by the Department of Veterans Affairs or other agency of the United States of America or any facility operated solely to provide psychiatric care or treatment of alcohol or substance abuse or both.

B. Each patient who is not a private-pay patient, is not covered by Medicare or any other public program directly subsidized by the federal government, is not covered by the Office of Group Benefits program, and is not covered by an insolvent insurer who is admitted to an ambulatory surgical center or to a hospital for outpatient ambulatory surgical care shall be assessed a service charge of one dollar for each admission to that facility. The service charge shall be included in the bill for services or supplies or both rendered to the patient by the ambulatory surgical center or hospital.

C.(1) Each hospital and ambulatory surgical center shall bill for and collect the service charges assessed pursuant to this Section from monies remitted to it in payment thereof in accordance with R.S. 22:1216, if authorized by the plan of operation under R.S. 22:1205. In the event that no payment is made by or on behalf of the patient for services rendered, the health care provider shall be liable for the remittance of only those fees collected. Each hospital and ambulatory surgical center shall remit to the plan for each reporting period, as established in the plan of operation, the total amount of service charges collected during that reporting period in accordance with the reporting and remittance

procedures established by the plan pursuant to R.S. 22:1205.

(2) Unless permitted by the board, the intentional failure to bill, pay, report, or delineate service charges in accordance with this Section shall cause the hospital or ambulatory surgical center to be liable to the plan for a fine in an amount determined by the board, not to exceed five hundred dollars plus interest per failure. Any hospital or ambulatory surgical center found to have intentionally failed to bill, pay, report, or delineate service charges in accordance with this Section, unless permitted by the board, on three or more occasions during a six-month period shall be liable for a fine in an amount determined by the board, not to exceed one thousand five hundred dollars per failure, together with attorney fees and court costs.

(3) The plan or the commissioner or both are specifically authorized to conduct audits of hospitals and ambulatory surgical centers in order to enforce compliance with this Section. Fines levied pursuant to this Section shall be consistent with those levied against insurers pursuant to this Subpart.

D. The service charges imposed on hospital and ambulatory surgical center patients by this Section shall be payable by the patient's insurer or insurance arrangement, if any, as applicable, except the charges shall not be payable by an insolvent insurer. In no event shall a hospital or ambulatory surgical center be required to remit to the plan uncollected service charges for any patient who is a private-pay patient or for any patient whose insurer or insurance arrangement is not legally required to pay the service charges.

E. If monies in the plan at the end of any fiscal year exceed actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this Subsection, "future losses" includes reserves for incurred but not reported claims.

F. For the purposes of this Section, "insurance", "insurance arrangement", or "policy of an insurer" includes any policy or plan of insurance or of self-insurance that provides payment, indemnity, or reimbursement for charges resulting from accident, injury, or illness when an employer or insurer is responsible for those charges. The terms "insurance", "insurance arrangement", or "policy of an insurer" shall not include short-term, accident-only, fixed indemnity, credit insurance, automobile and homeowner's medical payment coverage, or coverage issued as a supplement to liability insurance.

G. The service charge required by this Section shall be an amount set by the commissioner upon approval of the plan provided for in R.S. 22:1203(E)(2) and annually thereafter. The commissioner shall establish the amount of the service charge by rule promulgated in accordance with the Administrative Procedure Act no later than August thirty-first of the calendar year preceding the implementation of the service charge. The charge shall apply only to dates of service falling in the calendar year following promulgation of the rule. In establishing the service charge, the commissioner shall determine the amount necessary to fund the plan provided for in R.S. 22:1203(E)(2) but shall not establish a service charge in excess of three dollars plus an inflation factor of four percent per annum.

H. This Section shall not be effective until approval of the plan provided for in R.S. 22:1203(E)(2).

§1210. Fees assessed to participating health insurers for plan losses attributable to federally defined eligible individuals

A.(1) For the purposes of this Section, "participating insurer" includes any insurer providing insurance, as defined by R.S. 22:1209(F), to citizens of this state.

(2)(a) For the purposes of this Section, fees assessed to participating insurers shall apply to gross premiums for hospital and medical expense incurred policies, nonprofit service plan corporation contracts, hospital-only coverage, medical and surgical expense policies, major medical insurance, coverages provided by health maintenance organizations, individual practices, associations, and every insurance appertaining to any portion of medical expense liability incurred under a group health plan as defined in R.S. 22:1061(1)(a), including stop-loss and excess-loss coverage unless the gross premium for the coverage is included under any other type of coverage stated in this Section that is issued for delivery in this state.

(b) The fees assessed to participating insurers shall also apply to the same or similar services as provided for in Subparagraph (a) of this Paragraph when the services are administered by a third-party administrator on behalf of a plan that is not fully insured by a health insurance issuer, health maintenance organization, or group self-insurer. For the purposes of third-party administrators, "major medical insurance" shall not include the provision of pharmacy benefits by a third-party administrator or by a health insurance issuer or health maintenance organization when the pharmacy benefits provisions do not include comprehensive coverage.

(c) Fee assessments to participating insurers shall not apply to policies or contracts for provision of short-term, accident-only, hospital indemnity, credit insurance, automobile and homeowner's medical-payment coverage, workers' compensation medical benefit coverage, Medicare, Medicaid, federal governmental benefit plans, supplemental health insurance, limited benefit health insurance, or coverage issued as a supplement to liability.

B. In addition to the powers enumerated in R.S. 22:1206, the plan shall have the authority to assess fees to participating insurers in accordance with the provisions of this Section and to make advance interim fee assessments as may be reasonable and necessary for the plan's organizational and interim operating expenses. Any interim fees assessed are to be credited as offsets against any regular fees assessed that become payable following the close of the fiscal year.

C. Following the close of each fiscal year, the administrator shall determine the net premiums, premiums less reasonable administrative expense allowances, the plan expenses of administration, and the incurred losses for the year which

are attributable to federally defined eligible individuals. The administrator shall take into account investment income and other appropriate gains and losses reasonably attributable to federally defined eligible individuals. Any deficit incurred by the plan shall be identified and recouped as follows:

(1) The board shall identify the source of any deficit related to the provision of coverage to federally defined eligible individuals before assessing any fees authorized under this Section.

(2) The board shall verify the adequacy of any governmental appropriations or alternative funding sources, other than fees assessed under this Section, used to reduce rates for the plan year. Where such funds were not sufficient to support the rate reduction provided, that portion of the deficit reasonably related to the funding shortfalls shall be recouped from any subsequent governmental appropriations or alternative funding sources, other than fees assessed under this Section, prior to making any rate reduction for a subsequent plan year. The board shall take reasonable action to prevent future deficits related to reducing rates based on receipt of government appropriations or alternate funding sources.

(3) The board shall verify the amount of any deficit reasonably resulting from plan losses not attributable to governmental or alternative funding shortfalls used to reduce rates. Any verified deficit amount attributed to federally defined eligible individuals shall be recouped by fees assessed pursuant to this Section to participating insurers.

(4) The board shall provide the commissioner of insurance with a detailed report on any deficit being recouped by fee assessments apportioned pursuant to this Section. The report shall include information on services and utilization patterns which can reasonably be attributed to the deficit as well as analysis and recommendations on cost containment measures which can be taken to minimize future deficits.

(5) The board shall provide the commissioner of insurance with a detailed report on the sources and use of government appropriations and alternate sources of funding used to make rates more affordable. The report shall include information on the activities of similar plans maintained by other states and recommendations for actions that can be taken to make coverage more affordable for plan members.

D.(1) Each participating insurer's fee assessment shall be in proportion to gross premiums earned on business in this state for policies or contracts covered under this Section for the most recent calendar year for which information is available.

(2) Each participating insurer's fee assessment shall be determined by the board based on annual statements and other reports deemed to be necessary by the board and filed by the participating insurer with the board. The board may use any reasonable method of estimating the amount of gross premium of a participating insurer if the specific amount is unknown. The plan of operation shall provide the details of the calculation of each participating insurer's assessment which shall require the approval of the commissioner.

E. A participating insurer may petition the commissioner of insurance for deferral of all or part of any fee assessed by the board. If, in the opinion of the commissioner, payment of the fee assessment would endanger the solvency of the participating insurer, the commissioner may defer, in whole or in part, the fee assessment as part of a voluntary rehabilitation or supervisory plan established to prevent the plan's insolvency. The duration of any deferral approved under a voluntary rehabilitation or supervisory plan shall be limited to four years. The voluntary rehabilitation or supervisory plan shall require repayment of all deferrals by the end of the period plus legal interest. Until notice of payment in full is received from the board, the insurer shall remain under the voluntary rehabilitation or supervisory plan. In the event a fee assessment against a participating insurer is deferred in whole or in part, the amount by which the fee assessment is deferred may be assessed to the other participating insurers in a manner consistent with the basis for fee assessments set forth in this Section. Collection of deferrals and legal interest shall be used to offset fee assessments against the other participating insurers in a manner consistent with the basis for fee assessments set forth in this Section.

F. This Section shall not be effective until approval of the plan provided for in R.S. 22:1203(E)(2).

* * *

§1215.1. Peremption

Dissolution of the operations of the Louisiana Health Plan requires the expeditious determination of its outstanding liabilities. As such, each of the following provisions shall apply:

* * *

(4) The provisions of this Section shall not apply to any action against the plan, the board, the employees of the plan, or any combination thereof arising out of any obligation, duty, breach, or other activity occurring subsequent to plan activity pursuant to R.S. 22:1205(C)(8).

§1216. Health and accident policy provisions; service charges; penalties

A. Any health and accident insurance policy issued under this Subpart or Subpart J of Part III of Chapter 4 of this Title, and any health and accident insurance policy having effect in this state, shall provide coverage without regard to the insured's obligation of deductibles or copayments for the service charges assessed pursuant to R.S. 22:1209. The service charges assessed to a patient pursuant to R.S. 22:1209 shall be mandated benefits of any health and accident insurance coverage issued by any insurer or insurance arrangement, except an insolvent insurer, over and above any insurance policy limits, negotiated per diem, or managed care arrangement.

B. Each service charge for each patient admission specified in R.S. 22:1209 shall be paid by the insurer or insurance arrangement in accordance with the

plan of operation adopted pursuant to R.S. 22:1205. Failure to pay a service charge for each patient pursuant to this Section shall cause the insurer or insurance arrangement to be liable to the Louisiana Health Plan, the commissioner of insurance, or both for a fine in an amount determined by the board, not to exceed five hundred dollars plus interest. Any insurer or insurance arrangement found to have failed to comply with this Section by paying each service charge for each patient admission specified in R.S. 22:1209 on three or more occasions during a six-month period shall be liable for a fine in an amount determined by the board, of not less than five hundred dollars and not more than one thousand five hundred dollars per failure to pay each service charge for each patient admission, together with attorney fees, interest, and court costs. The Louisiana Health Plan, the commissioner, or both are specifically authorized to conduct audits of insurers or insurance arrangements in order to enforce compliance with this Section.

C. For the purposes of this Section, "insurance" or "insurance arrangement" also includes any policy or plan of insurance or of self-insurance that provides payment, indemnity, or reimbursement for charges resulting from accident, injury, or illness when an employer, insurer, or tortfeasor is responsible for those charges.

D. For purposes of this Section, "insurance" or "insurance arrangement" shall not include the Office of Group Benefits program.

E. This Section shall not be effective until approval of the plan provided for in R.S. 22:1203(E)(2).

§1217. Health insurance rejections; Louisiana Health Insurance Plan information

A. Each rejection for individual health and accident insurance shall contain information stating that health insurance may be available through the Louisiana Health Insurance Plan. Each rejection shall also include the address and telephone number at which information on the Louisiana Health Insurance Plan may be obtained. In no event shall the information required by this Section appear on the rejection in a smaller print than any other required provision of the rejection. The requirements of this Section may be satisfied by providing a document separate from the rejection containing the required information in the required print size. In no event shall this information guarantee placement in the fund of the Louisiana Health Insurance Plan.

B. This Section shall not be effective until approval of the plan provided for in R.S. 22:1203(E)(2).

Section 2. R.S. 22:1205(7) is hereby repealed.

Section 3. The commissioner shall inform the Louisiana State Law Institute of the date of the approval of the new plan of operation of the Louisiana Health Plan pursuant to the provisions of this Act.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 314

SENATE BILL NO. 238
BY SENATOR ALLAIN
AN ACT

To enact R.S. 18:1505.2(T), relative to campaign contributions; to provide for repayment of personal contributions or loans; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(T) is hereby enacted to read as follows:

§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

T.(1) Notwithstanding the provisions of Subsections H and I of this Section, any loans a candidate makes to his own campaign, as provided for in this Section, may be repaid from campaign funds received in connection with an election in which the candidate qualified for a public office.

(2) The provisions of this Subsection shall apply only to those candidates who have terminated their public service as an elected official for at least one year from the date of their last day in office.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 315

SENATE BILL NO. 271
BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 22:1872(23), 1873(C), 1874(A)(3), and 1878, relative

to the Health Care Consumer Billing and Disclosure Protection Act; to provide for definitions; to provide relative to billing by contracted health care providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1872(23), 1873(C), 1874(A)(3), and 1878 are hereby amended and reenacted to read as follows:

§1872. Definitions

As used in this Subpart:

* * *

(23) "Noncovered health care services" means services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease that are neither covered under the terms of health insurance coverage nor required by law to be covered, **or care services or products excluded from the provisions of this Subpart pursuant to an advance written agreement by the enrollee or insured concerning specific payment terms when authorized by an agreement with the provider under this Paragraph.**

§1873. Notice requirements

* * *

C. If the patient approves in advance and in writing the charges for which the patient will be responsible, nothing in this Section shall be construed to prevent a dental **or vision** patient from choosing any type, form, or quality of dental procedure that is a noncovered health care service.

§1874. Billing by contracted health care providers

A.

* * *

(3) However, in the event that any billing, attempt to collect from, or the collection from an enrollee or insured of any amount other than those representing copayment, deductible, coinsurance, payment for noncovered or noncontracted health care services, or other amounts identified by the health insurance issuer as the liability of the enrollee or insured is based on information received from a health insurance issuer, the contracted health care provider shall not be in violation of this Subsection **Subpart**.

* * *

§1878. Exception

Regardless of any contractual provisions contained in a health insurance contract or plan delivered in this state, should a patient receive a dental **or vision** diagnosis from a contracted provider for which the patient qualifies for a covered dental **or vision** service pursuant to the patient's health plan, the patient may choose either of the following:

(1) The covered service designated by the patient's health ~~or~~, dental, **or vision** plan for treatment of the condition diagnosed.

(2) An alternate type, form, or quality of a dental **or vision** procedure **or product** to treat the diagnosed condition which procedure **or product** is of equal or greater price, provided that the patient approves the alternate procedure **or product** in advance and in writing. For alternate services, ~~or~~ procedures, **or products** provided pursuant to this Subsection, the provider shall be paid for the dental **or vision** procedure **or product** as follows:

(a) The insurer shall pay the amount due for the covered procedure **or product** which was an approved service **or product** for the treatment of the diagnosed condition.

(b) The patient shall pay that amount which is the difference between the amount of the covered service **or product** and the amount of the chosen alternate service, ~~or~~ procedure, **or product**.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 316

SENATE BILL NO. 300
BY SENATOR JACKSON
AN ACT

To amend and reenact R.S. 4:714 and 740(A), and to enact R.S. 4:724.1, relative to charitable gaming; to provide relative to restrictions, requirements, transfers, and prohibitions; to provide for operation of machines; to provide relative to gaming time limits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:714 and 740(A) are hereby amended and reenacted and R.S. 4:724.1 is hereby enacted to read as follows:

§714. Restrictions; requirements; transfers; prohibitions

A. ~~No licensee shall hold, operate, or conduct any game of chance under this Chapter more often than on twenty days in any one calendar month.~~

B. The total amount of prizes which may be awarded in any one session by a licensee shall not exceed four thousand five hundred dollars in cash or other thing or things of value, except as specifically provided in R.S. 4:707(A)(1) and (5), 710, 724, 725, 725.1, and 732. The office shall establish by rule the method of calculating the value of any thing offered as a prize.

~~C.~~ B. In addition to the requirement of R.S. 4:712 to display its local license, each licensee shall conspicuously display its charitable gaming license issued by the office at the premises where any game is conducted at all times during such conduct.

~~D.~~ C. Each licensee shall designate an active member and a sufficient number of alternate members of the organization to be in charge of and

primarily responsible for each session of a game of chance. Such individual, or alternates, who shall be designated as the member-in-charge, shall supervise all activities of such session and be responsible for the conduct of all games of such session. The member-in-charge or alternate shall be present at all times on the premises during the session. In addition, each licensee shall designate an active member of the organization to be responsible for the documentation of receipts and disbursements as well as the maintenance of all financial records. Such individual designated shall have been a member in good standing of the organization and shall be familiar with the provisions of this Chapter, applicable local ordinances and regulations, and the rules and regulations of the office.

E.D. No licensee shall purchase or otherwise obtain any gaming supplies or equipment from any distributor or manufacturer until it has first determined that the individual selling or otherwise offering such supplies or equipment has a valid license issued by the office.

F.E. No licensee shall allow any person under eighteen years of age to assist in the holding, operation, or conduct of any game of chance. Charitable raffles as provided for in R.S. 4:707(D)(2) shall be exempted from requirements of this Subsection.

G.F.(1) All proceeds from each gaming session, other than that amount paid out as cash prizes and that amount retained as a cash bank, shall be deposited into a bank account, known as a charitable gaming account, maintained by the charitable organization solely for such deposits. Such deposits shall occur no later than the second banking day following the date the gaming session begins, but in no case more than five calendar days later.

(2) Any charitable organization may transfer gaming proceeds from its charitable gaming account to any other bank account controlled by the organization, subject to the administrative rules promulgated by the office pursuant to R.S. 4:705(10)(b).

* * *

§724.1. Operation of machines

A.(1) Electronic video bingo machines may be available in any location licensed for charitable bingo.

(2) At commercial locations and non-commercial locations that rent to other charities, the machines may be played only during the times when an organization is licensed with a minimum of one member present on the premises. This time shall not exceed an eight-hour period of time per charity when a game is not being called.

B. A violation of the aforementioned provisions result in a civil violation and fine and possible revocation of license.

* * *

§740. Session defined

A. A session represents authorized games of chance played within a time limit not to exceed ~~six~~ **eight** consecutive hours, with a minimum of twelve hours between sessions. A session of keno or bingo when the licensee possesses a special license is limited to six consecutive hours. Sessions are limited to not more than one session per calendar day per licensee. Organizations are not allowed to begin their session until the stated time on their license issued by the office.

* * *

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 317

SENATE BILL NO. 312
BY SENATOR FESI
AN ACT

To amend and reenact the introductory paragraph of R.S. 30:2503(A)(2), 2506(A) and (B)(1), (2), (7)(a), and (9), relative to the state Department of Education; and provide relative to the duties of the environmental and litter reduction section within the department; to provide relative to the membership of the Louisiana Environmental Education Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 30:2503(A)(2), 2506(A) and (B) (1), (2), (7)(a), and (9) are hereby amended and reenacted to read as follows:

§2503. Louisiana Environmental Education Commission; creation; membership; duties

A. * * *

(2) The commission shall consist of the secretary of the Department of Wildlife and Fisheries or his designee, the state superintendent of education or his designee, the secretary of the Department of Environmental Quality or his designee, the secretary of the Department of Natural Resources or his designee, the secretary of the Louisiana Department of Health or his designee, the commissioner of the Department of Agriculture and Forestry

or his designee, the chancellor of the Louisiana State University Agricultural Center or his designee, the chancellor of Southern University Agricultural and Mechanical College or his designee, **the governor's executive assistant for costal activities or his designee**, and the following members appointed by the governor:

* * *

§2506. Environmental Education and Litter Reduction Section; staff; powers and duties; cooperation; funding

A. There is hereby created, within the state Department of Education, the environmental education and litter reduction section which shall assist the commission and perform responsibilities relative to education and litter ~~control~~ **abatement** as provided for in this Chapter. Insofar as funds are appropriated, staff may be employed under the direction and control of the state superintendent of education and in accordance with policies of the department.

B. The section shall implement the provisions of this Part relative to environmental education, including the following:

(1) ~~Administer and implement~~ **Receive advice and guidance on the administration and implementation of** environmental education programs ~~on behalf of from~~ the commission.

(2) ~~Review the status of and design~~ **Design** plans for **K-12** environmental education in the state regularly, ~~at the direction and~~ with the assistance of the commission.

* * *

(7) Function as an environmental education clearinghouse by doing the following:

(a) Reviewing and recommending environmental education ~~materials~~ **resources**.

* * *

(9) Initiate, develop, implement, assess, and market non-formal environmental education programs; ~~facilitate, encourage, and support multi-school district cooperative efforts to determine the need for, develop, and assess~~ environmental education curricula; promote state government and private sector policy that is consistent with the environmental education strategic plan; and coordinate non-formal environmental education with elementary, secondary, and postsecondary environmental education programs.

* * *

Section 2. The Louisiana State Law Institute is hereby authorized and directed to redesignate Chapter 20 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2501 through 2521, as designated prior to the enactment of this Act, as Subpart B-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:200 through 220; and is further directed to redesignate any other section of law or internal citations contained herein consistent with the provisions of this Act.

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 318

SENATE BILL NO. 452
BY SENATOR FOIL
AN ACT

To amend and reenact R.S. 47:9029(A)(3), relative to the lottery; to provide for the amount of gross revenues the Lottery Corporation is to annually transfer to the state treasury; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:9029(A)(3) is hereby amended and reenacted to read as follows:

§9029. Deposit of revenues; expenditures and investments authorized; transfer of revenues to state treasury; dedication and use of proceeds; corporation operating account; audit of corporation books and records; audits
A. * * *

(3) Within twenty days following the close of each calendar month, the corporation shall transfer to the Lottery Proceeds Fund in the state treasury the amount of net revenues which the corporation determines are surplus to its needs. Net revenues or proceeds shall be determined by deducting from gross revenues the payment costs incurred or estimated to be incurred in the operation and administration of the lottery. This shall include the expenses of the corporation and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, fixed capital outlays, and the payment of prizes to the holders of winning tickets. After the first year of operation the corporation shall transfer each year not less than ~~thirty-five~~ **twenty-five** percent of gross revenues to the state treasury.

* * *

Section 2. R.S. 47:9029(A)(3) is hereby amended and reenacted to read as

follows:

§9029. Deposit of revenues; expenditures and investments authorized; transfer of revenues to state treasury; dedication and use of proceeds; corporation operating account; audit of corporation books and records; audits A.

* * *

(3) Within twenty days following the close of each calendar month, the corporation shall transfer to the Lottery Proceeds Fund in the state treasury the amount of net revenues which the corporation determines are surplus to its needs. Net revenues or proceeds shall be determined by deducting from gross revenues the payment costs incurred or estimated to be incurred in the operation and administration of the lottery. This shall include the expenses of the corporation and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, fixed capital outlays, and the payment of prizes to the holders of winning tickets. After the first year of operation the corporation shall transfer each year not less than ~~twenty-five~~ **thirty-five** percent of gross revenues to the state treasury.

* * *

Section 3. R.S. 47:9029(A)(3) as amended and reenacted by Section 2 of this Act shall supersede R.S. 47:9029(A)(3) as amended and reenacted by Section 1 of this Act and become effective on July 1, 2023, only if the revenues received by the state pursuant to R.S. 47:9029(A)(3) do not increase in amount by Fiscal Year 2023 from that amount budgeted to be received during Fiscal Year 2020.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 319

SENATE BILL NO. 455
BY SENATOR HENRY
AN ACT

To amend and reenact the introductory paragraph of R.S. 26:351, (1)(a), and (3)(a), and to repeal R.S. 26:351(7), relative to the limitation on size of containers of beverages of high alcohol content; to authorize wholesalers and manufacturers to possess and pack distilled spirits in certain containers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 26:351, (1)(a), and (3)(a) are hereby amended and reenacted to read as follows:

§351. Limitation on size of containers of beverages of high alcoholic content; standards of fill

Except for wines, no manufacturer or wholesaler in this state shall have in his possession any beverages of high alcoholic content outside of his bonded stockroom unless they are in containers of no greater capacity than ~~1.75 one and seventy-five one hundredths~~ **one and seventy-five one hundredths** liters. The standards of fill shall be the following:

(1)(a) All distilled spirits sold in or shipped into this state shall be in the following containers: One and seventy-five hundredths liters, one liter, seven hundred fifty milliliters, five hundred milliliters, three hundred seventy-five milliliters, ~~and~~ two hundred milliliters, ~~and~~ **fifty milliliters**.

* * *

(3)(a) Distilled spirits, whether domestically bottled or imported, subject to the metric standard of fill prescribed in Paragraph (1) above shall be packed with the following number of containers per shipping case or container:

Container sizes	Containers per case
1.75 liters	6
1.00 liters	12
750 milliliters	12
375 milliliters	24
355 milliliters	24
200 milliliters	48
100 milliliters	48
50 milliliters	60
50 milliliters	120

* * *

Section 2. R.S. 26:351(7) is hereby repealed.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 320

SENATE BILL NO. 459
BY SENATOR REESE
AN ACT

To enact Subpart B-49 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.870 through 130.878,

relative to economic development districts; to create the Vernon Parish Economic Development District in Vernon Parish; to provide for the district boundaries, purpose, and governance; to provide relative to powers and duties of the district; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-49 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.870 through 130.878, is hereby enacted to read as follows:

SUBPART B-49. VERNON PARISH DEVELOPMENT DISTRICT

§130.870. Vernon Parish Development District; creation; territorial jurisdiction

A. The Vernon Parish Development District, hereinafter referred to as the "district", is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of the district, is hereby granted all of the rights, powers, privileges, and immunities granted to political subdivisions for economic and industrial development purposes, including but not limited to the power of taxation, the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations hereinafter provided.

B. The district created pursuant hereto shall be established for the primary object and purpose of promoting and encouraging the development of economic and industrial opportunities, stimulating the economy through renewed commerce and industry, and for the utilization and development of natural and human resources of the area by providing job opportunities.

C. The boundaries of the district shall be coterminous with the boundaries of Vernon Parish.

§130.871. Board of commissioners; members; officers; employees

A. The district shall be governed by a board of commissioners consisting of nine members selected as follows:

(1) Three members shall be appointed by the Vernon Parish Chamber of Commerce.

(2) Three members shall be appointed by the governing authority of Vernon Parish.

(3) Three members shall be appointed by the mayor of Leesville.

B. Any vacancy in the membership of the board of commissioners, occurring either by reason of the expiration of the term for which appointed or by reason of death, resignation, or otherwise, shall be filled by the governing authority of Vernon Parish.

C. Any member of the board of commissioners may be removed by the governing authority of Vernon Parish, but only for cause and on charges preferred against him in writing and after public hearing; provided that any member so removed shall have the right to appeal his removal to a court of competent jurisdiction within ten days of the decision of the governing authority ordering his removal.

D. The members of the board of commissioners shall serve without per diem or other compensation. The board of commissioners shall have the power to organize and reorganize executive, clerical, and other departments and to fix the duties and powers and compensation of all officers, agents, and employees of the district. The board of commissioners may reimburse any member for expenses actually incurred in the performance of his duties hereunder.

E. Commissioners individually, and members of each commissioner's immediate family are prohibited from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the district.

F. Elected officials are prohibited from serving on the board of commissioners.

G. The board of commissioners shall elect from among its own members a president, a vice president, a secretary, and a treasurer, whose duties shall be those usual to such offices. At the option of the board of commissioners, the offices of secretary and treasurer may be held by one person.

H. The board of commissioners shall meet in regular session on a quarterly basis and shall also meet in special session when the president of the board convenes them or on the written request of four members. No more than twelve special sessions may be called within any one calendar year. Five members of the board of commissioners shall constitute a quorum.

I. The board of commissioners shall prescribe rules to govern its meetings, shall maintain suitable offices in the parish of Vernon, and may contract with and employ attorneys, clerks, engineers, deputy commissioners, superintendents, and other agents and employees and shall fix their compensation and terms of employment.

§130.872. Powers of district

The district, acting by and through its board of commissioners, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to rights and powers set out in this Subpart:

(1) To sue and be sued,

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

(3) To acquire by gift, grant, or purchase any property, including rights of way; to hold and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district, including but not limited to the establishment, maintenance, and operation of industrial parks, ports, harbors, and terminals.

(4) To enter into contracts for the purchase, acquisition, construction, and improvement of works and facilities necessary in connection with the purposes

of the district.

(5) In its own name and on its own behalf, to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected certain taxes as provided in this Subpart and as may be provided by general law.

(6) To require and issue licenses with respect to its properties and facilities.

(7) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

(8) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.

(9) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(10) To engage in public relations, advertising, marketing activities, and to provide and disseminate information.

(11) To engage in government relations, ombudsman activities, and government liaison.

(12) To provide financial and financing assistance.

(13) To provide tax abatement.

(14) To provide, directly or indirectly, planning and coordination for economic development and resource utilization, including such functions as industrial and economic research and industrial programming and solicitation.

(15) To provide industrial training, technical assistance, and technology transfer.

(16) To use public and other legal powers to facilitate development.

(17) To promote transfer mechanisms to take ideas, from their point of origin or development, to commercially successful utilization by local enterprises.

(18) To foster entrepreneurial activities in Vernon Parish or in the region.

(19) To promote the development of new products, processes, or services or new uses for existing products, processes, or services manufactured, produced, or marketed in Vernon Parish or in the region.

(20) To support market research aimed at identifying new markets for local or regional products and processes, including international markets; to determine the characteristics, needs, and preferences of those markets; and to develop new marketing techniques to exploit those markets.

(21) To foster and support economic and industrial development and education in cooperation with private business enterprises, financial institutions, educational institutions, nonprofit institutions and organizations, state government and political subdivisions of the state, the federal government, and other organizations or persons concerned with research, development, education, commercial application, and economic or industrial development in ways that increase the economic base of Vernon Parish or of the region.

(22) To enter a cooperative endeavor agreement with the Vernon Parish Economic Development Foundation, or any successor thereof, or the Vernon Parish government or any other eligible entity pursuant to applicable laws to achieve any of the lawful purposes of the district.

(23) For the purposes enumerated in this Subpart, and in order to achieve any of the lawful purposes of the district, to engage in whatever activities and projects it deems most appropriate to encourage and to assist economic growth and development in accordance with and pursuant to provisions of this Subpart, §130.873. Economic and industrial development

A.(1) The district shall have the power to construct, acquire, finance, or lease facilities, including sites or facilities for industrial, business, or commercial parks and plants, and including the acquisition of sites and facilities and other necessary property or appurtenances thereto within or outside the district, and to acquire, construct, improve, operate, maintain, and provide improvements and services necessary therefor, including but not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal facilities, solid waste disposal facilities, waterworks, and other utilities and related properties. However, in connection with any projects outside the geographic boundaries of the district, the district must make a determination that such development provides a substantial benefit to the district or the region or to business and industry of persons located within the geographic boundaries of the district or region.

(2) The district shall also have the authority to sell, lease, or otherwise dispose of, by suitable and appropriate contract, to any enterprise locating or existing within the district all or any part of a site, building, or other property owned by the district. In determining the consideration for any contract to lease, sell, or otherwise dispose of lands, buildings, or other property of the district, the board of commissioners may take into consideration the value of the lands, buildings, or other properties involved as well as the potential value of the economic impact of the enterprise being induced to locate or expand within the district. Such economic impact shall include increased employment, increased use of local labor, wages and salaries to be paid, consumption of local materials, products, and resources, and special tax revenues to be generated by the enterprise acquiring or leasing lands, buildings, or other property from the district. The district shall be empowered to enter into leases.

(3) The resolution or ordinance adopted by the board of commissioners authorizing any lease, sale, or other disposition of lands, buildings, or other property of the district or any attachment thereto shall set forth, in a general way, the terms of the authorized lease, sale, or other disposition, and such resolution or ordinance shall be published as soon as possible in one issue of the official journal of the district. For a period of thirty days from the date of publication of any such resolution or ordinance, any interested person may contest the legality of such resolution or ordinance or the validity of the authorized lease, sale, or other disposition of district property, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw into question the legality of the authorized lease, sale, or other disposition of

district property for any cause whatsoever, and it shall be conclusively presumed thereafter that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of thirty days.

B. The district shall have the following additional powers, together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

(1) To acquire, whether by purchase, exchange, gift, or lease, and to construct and improve, maintain, equip, and furnish one or more economic development projects, including all immovable and movable properties that the board of commissioners may deem necessary in connection therewith and whether or not any such project shall be in existence.

(2) To lease or to contract for the use to or by others of any or all of its authorized projects and to charge and collect rent, fees, or charges therefor, and to terminate any such lease or contractual arrangement upon the failure of the lessee or contracting party to comply with any of the obligations thereof, all as may be provided for in the lease or other contractual agreement to which the district may become a part.

(3) To sell, exchange, donate, and convey any or all of its projects upon such terms and conditions as the board of commissioners may deem advisable, including the power to receive for any such sale or project the first mortgage note or notes of the purchaser of a project representing unpaid installments of the purchase price due by the purchaser to the district whenever the board of commissioners finds any such actions to be in furtherance of the purposes for which the district was organized.

(4) As security for the payment of the principal of and interest on any bonds, notes, or other obligations of the district and any agreements made in connection therewith, to mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any other source.

(5)(a) To enter into any cooperative financing associated with economic and industrial development between or among the district and the state, any of its local governmental subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual.

(b) To enter into any economic or industrial development project between or among the district and the state, any of its local governmental subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual. The methods of cooperative development shall include, but not be limited to any number of joint development agreements and cooperative ownership, limited partnerships, and investment syndicates not prohibited by the Constitution of Louisiana. Regardless of the method of financing, the district shall attempt to obtain the most favorable arrangement available in order to protect and ensure economic and industrial development.

(c) To cooperate with and to engage in cooperative endeavors with other persons and entities as provided by Article VII, Section 21(H) of the Constitution of Louisiana to provide a means by which owners of such properties who expand, restore, improve, and develop them may pay ad valorem taxes for five years based upon the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement, or development.

C.(1) In addition to any other authority or powers granted the district, the district shall have full power and authority to issue obligations and to provide funds for the furtherance and accomplishment of any authorized public function. For purposes of this Subpart, "authorized public function" shall mean and include but not be limited to hospital, medical health, nursery care, nursing care, clinical, ambulance, laboratory, and related services and facilities; housing mortgage finance and related services, activities, facilities, and properties; penitentiary, rehabilitation, incarceration, and other correctional services and facilities; educational services and facilities and related housing and dormitory services and facilities; providing, developing, securing, and improving water storage treatment, supply, and distribution services and facilities; sanitary and storm sewer and other liquid and solid waste collection, disposal, treatment, and drainage services and facilities; educational or commercial communication equipment and facilities; mass transit, commuting and transportation, and parking services, equipment, and facilities; cultural, entertainment, and civic facilities, services, and activities; community development and redevelopment facilities and activities; gas, electric, petroleum, coal, and other energy collection, recovery, generation, storage, transportation, transmission, and distribution facilities and activities; industrial, manufacturing, and other economic development facilities and activities; antipollution and air, water, ground, and subsurface pollution abatement and control facilities and activities; airport and waterport and related facilities, services, and activities; and facilities, property, and equipment of any nature for the use or occupancy of the state or its political subdivisions, the United States, or any agencies or instrumentalities thereof, or any other private person or entity. Each of the functions described herein shall constitute an "industry" within the meaning of Article VI, Section 21 of the Constitution of Louisiana, and the powers granted in this Subpart to assist such industries, including, without limitation, the loan, grant, or donation of funds are hereby deemed to be the assistance of industry within the meaning of Article VI, Section 21 of the Constitution of Louisiana.

(2) The district is authorized to issue obligations to accomplish any of the foregoing authorized public functions or purposes and shall have those powers enumerated in Subsection B of this Section, together with all other powers incidental thereto or necessary for the performance of those enumerated or related thereto.

D. For purposes of this Subpart, unless the context clearly states otherwise,

the following definitions shall apply:

(1) "Cooperative endeavor" means any form of economic development assistance between or among the district and the state, any of its political subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual. The term "cooperative endeavor" shall include but not be limited to cooperative financing, cooperative development, or any other form of cooperative economic development activity and shall be construed liberally in order to give it the broadest possible application.

(2) "Cooperative financing" means any method of financing an economic development project between or among the district and the state or its political subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual. The methods of financing shall include loans, loan guarantees, land write-downs, grants, lease guarantees, or any form of financial subsidy or incentive. Such loan, grant, donation, and other means of cooperative financing are deemed hereunder to be the assistance of the industries authorized to be assisted by this Subpart under the provisions of Article VI, Section 21 of the Constitution of Louisiana. The term "cooperative financing" shall be construed liberally in order to give it the broadest possible application.

(3) "Cooperative development" means any method of cooperative development between or among the district and the state, any of its political subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual. The methods of cooperative development shall include but not be limited to any number of joint development agreements such as condominiums and cooperative ownership, limited partnerships, and investment syndicates. The term "cooperative development" shall be construed liberally in order to give it the broadest possible application.

E. The district is likewise hereby authorized and shall have the authority and power necessary in order to carry out and effectuate the purposes and provisions of this Subpart, including, without limiting the generality of the foregoing, the following specific authority and powers, which shall be in addition to others herein granted:

(1) To apply for and to receive and accept for or from any federal agency, the state, or political subdivision of the state or for or from any public or private source any grants, loans, or advances for or in the aid of an economic development cooperative endeavor, project, or projects, to give and accept such equity or security as may be required, and to enter into and carry out a contract or contracts or agreements in connection therewith, provided that public notice is given prior to such actions.

(2) To procure insurance against any losses in connection with its property in such amounts and from such insurers as may be necessary and desirable.

(3) To sponsor and conduct conferences and studies, to collect and disseminate information, and to issue periodic reports.

(4) To assist local and regional businesses in applying for federal research grants and state or federal procurement contracts including dissemination of information on the availability of such grants and contracts.

(5) To collect and disseminate information on financial, technical, marketing, management, and other services available to local and regional businesses on a free or for-hire basis from universities, private for profit businesses, and nonprofit organizations, or to provide for such services itself or in cooperation with public or private persons.

(6) To receive, loan, or expand seed capital or venture capital.

§130.874. Taxes; borrowing money

A. The board of commissioners may, when necessary, levy annually an ad valorem tax, provided that the amount, term, and purpose of the tax, as set out in a proposition submitted to a vote in accordance with the Louisiana Election Code, shall be approved by a majority of the qualified electors voting in a special election held for that purpose.

B.(1) The board of commissioners may, subject to approval of a majority of the electors voting at an election held for the purpose, levy and collect a sales and use tax within the boundaries of the district for such purposes and at such rate as provided by the proposition authorizing its levy, not exceeding one percent, which tax may exceed the limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana.

(2) The tax shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution and storage for use or consumption of tangible personal property, and upon the sales of services within the district, all as presently defined in R.S. 47:301.

(3) 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 supplement those Sections and to make them applicable to the tax herein authorized shall be fixed in the resolution imposing the tax.

(4) The tax shall be imposed and collected uniformly throughout the district.

C. In addition to any tax, fee, charge, or assessment otherwise authorized by this Subpart, the district may levy or impose any tax, fee, charge, or assessment which is approved by a majority of the voters of the district who vote at an election held for such purpose.

D. All funds derived under this Section may be used only for expenses or specified purposes of the district. The board of commissioners shall establish and maintain, in addition to all necessary and normal accounts, the following special accounts:

(1) A revolving-loan guarantee fund, to be used to guarantee industrial or business terminal development loans to the extent permitted by the Constitution

of Louisiana under the following guidelines:

(a) Loan guarantees shall be made only when adequate financing for the project is unavailable through normal lending channels and the project represents a sound business venture that is financially and economically feasible.

(b) Loan guarantees shall be used to assist an identifiable business concern to finance plant construction, conversion, or expansion and to finance acquisition of land, existing structures, machinery, or equipment, and to provide operational funds.

(c) The terms and rates shall be compatible with loans offered by local lending institutions, and the guarantee shall never exceed forty percent of the cost of the total project. In addition, the district shall attempt to obtain the most favorable security available under the circumstances to protect and ensure the recovery of its commitment under the guarantee.

(d) Loan guarantees may be evaluated for the economic impact in terms of the number and types of jobs created or saved.

(e) Loan guarantees shall be made to leverage other sources of private and public capital to attain the greatest economic impact possible with the limited funds available.

(f) Loan guarantees shall be targeted to industries, manufacturing firms, and wholesale distribution firms and service firms.

(g) No project may be considered unless the project will be constructed and maintained by persons at least eighty percent of whom are residents of the parish of Vernon and at least eighty percent of the goods and services for maintenance of the project are obtained from a supplier domiciled within the parish, except where not reasonably possible to do so without substantial added expense, substantial inconvenience, or substantial sacrifice in operational efficiency.

(h) The lending or underwriting principals shall have such demonstrated experience, ability, and net worth as would allow for the success, continuation, security, and solvency of the program. Prudent lending and underwriting standards shall be applied in order to comply with the primary objectives of this Section.

(2) An economic development operation fund, for the development and attraction of industries to accomplish the following:

(a) The operational fund shall be used for operating expenses necessary in creation of industrial and commercial development, in hiring sufficient staff to accomplish the purposes set out in this Subpart, and other related expenses.

(b) The operational fund may also be utilized in contracting for services as may be required by the district including but not limited to planning assistance, surveys, land use studies, professional and technical services, and other services necessary to effectuate a unified industrial development plan.

(3) An account for the maintenance and operation of a governmental procurement center to provide necessary information to companies and individuals engaged in providing services and goods to accomplish the following:

(a) Pinpoint and identify potential buying centers and aid in placing the company on a bidder's list for these centers and assist companies in obtaining specifications for their products or services.

(b) Provide trained counselors to assist in acquiring solicitation and bid packages and conduct seminars designed to disseminate other information needed by the target companies and individuals.

E. Any tax levied under this Section shall be in addition to all other taxes which the city, parish, or any other political subdivision within the parish of Vernon are now or hereafter authorized to levy and collect.

§130.875. Obligations of the district

A. The district shall have authority to incur debt for any one or more of its lawful purposes set forth in this Subpart, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidences of debt, and to provide for the security and payment thereof.

B.(1) The district may in its own name and behalf incur debt and issue general obligation ad valorem property tax secured bonds under the authority of and subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana, Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, when approved by a majority of the qualified voters who vote in a special election called and conducted under the authority of the Louisiana Election Code, including Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended. General obligation bonds of the district may be issued for any of the purposes for which the district is created or is authorized to act under any provisions of this Subpart all of which purposes are hereby found and declared to be public purposes and functions of the state of Louisiana, which are delegated to the district.

(2) The district may in its own name and behalf issue revenue bonds for the purposes for which the district is created or is authorized to act under any of the provisions of this Subpart, including improvement revenue bonds. The bonds shall be issued in the manner as provided in R.S. 39:991 through 1002 and R.S. 39:1011 through 1025. In addition to other authorized methods of issuance of revenue bonds and as separate and distinct authority for the issuance of revenue bonds, in addition to any other procedures and authorization, the district is hereby authorized as follows:

(a) Revenue bonds may be issued by the district to accomplish any of the authorized public functions or purposes set forth in this Subpart. All such bonds shall be negotiable instruments and shall be solely the obligations of the district. The bonds shall be authorized and issued by resolution adopted by a majority vote of the board of commissioners of the district and shall be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms of

redemption, and be entitled to such priorities on the income, revenue, and receipts of the district as such resolution may provide. The bonds shall be signed by such officers as the district shall determine, and the signatures may be by facsimile.

(b) The bonds shall be sold by the board of commissioners of the district in such manner as may be determined by the district to be most beneficial to the district, and the district shall pay all expenses and commissions that it may deem necessary or advantageous in connection with the issuance and sale of the bonds. The bonds may, in the discretion of the district, be additionally secured by a mortgage on all or any part of the projects acquired, constructed, extended, or improved with the proceeds thereof, and the district shall have full discretion to make such provisions as it may see fit for the making and enforcement of the mortgage and provisions to be therein contained.

(c) The issuance and sale of the bonds by the district shall be approved by the State Bond Commission. At least seven days prior to the sale of the bonds by the district, the district shall cause to have published a notice of sale in the official journal of the parish of Vernon. This notice of sale shall state if any proposals have been made for the purchase of the bonds and that other proposals will be considered and that the proposal most advantageous to the district will be accepted at the time of the sale. For a period of thirty days from the date of publication of the notice of sale, any person or persons with interest shall have the right to contest the legality of the notice of sale, resolution, or other proceeding authorizing the issuance of the bonds and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of the resolution or other proceedings or of the bonds authorized thereby for any cause whatsoever. If no suit, action, or proceedings are begun contesting the validity of the bonds and provisions for the payment thereof, the legality thereof, and of all the provisions of the resolution or other proceedings authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

(d) The bonds shall have the qualities of negotiable instruments under the commercial laws of the state of Louisiana. All the bonds shall be special and limited obligations of the district. In no event shall any of the bonds constitute an obligation, either general or special, of the general credit of the district or of the state of Louisiana within the meaning of any constitutional or statutory provision whatsoever, and the bonds shall contain a recital to that effect.

(3) The district may in its own name and behalf borrow from time to time in the form of certificates of indebtedness. The certificates shall be secured by the dedication and pledge of monies of the district derived from any lawful sources, including fees, lease rentals, service charges, local service agreement payments from one or more other contracting parties, the avails of ad valorem property taxation, or any combination of these sources of income, provided that the term of the certificates shall not exceed ten years and the annual debt service on the amount borrowed shall not exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as shall be estimated by the board of commissioners of the district at the time of the adoption of the resolution authorizing the issuance of such certificates. The estimate of the board of commissioners referred to in the authorizing resolution shall be conclusive for all purposes of this Section.

(4) The district may borrow the amount of the anticipated ad valorem tax, not to exceed five mills, authorized by R.S. 33:130.874 for a period not to exceed ten years and may issue certificates of indebtedness therefor and may dedicate the avails of the tax funded for the payment thereof for the period of time the certificates are outstanding.

(5) The board of commissioners, as the governing authority of the district, is authorized to adopt all necessary resolutions or ordinances which may be necessary for ordering, holding, canvassing, and promulgating the returns of any election required for the issuance of general obligation bonds, or limited tax secured obligations or for the voting of a property tax millage, which resolutions or ordinances may include covenants for the security and payment of any bonds or other evidence of debt so issued.

(6) For a period of thirty days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes, or other evidence of debt of the district, any interested person may contest the legality of the resolution or ordinance and the validity of the bonds, certificates of indebtedness, notes, or other evidence of debt issued or proposed to be issued thereunder and the security of their payment, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw into question the legality of the bonds, certificates of indebtedness, notes, or other evidence of debt, the security therefor, or the debts represented thereby for any cause whatever, and it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of thirty days.

(7) The issuance and sale of bonds, certificates of indebtedness, notes, or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

(8) The bonds, certificates of indebtedness, notes, or other evidence of debt shall have all the qualities of negotiable instruments under the commercial laws of the state of Louisiana.

§130.876. Securities

Bonds, certificates, or other evidences of indebtedness issued by the district under this Subpart are deemed to be securities of public entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and may be refunded in accordance with the provisions of Chapters 14-A and 15 of Title 39

of the Louisiana Revised Statutes of 1950, and may also be issued as short-term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950.

§130.877. Exemption from taxation

The district and all properties at any time owned by the district and the income therefrom and all bonds, certificates, and other evidence of indebtedness issued by the district under this Subpart and the interest or income therefrom shall be exempt from all taxation by the state of Louisiana.

§130.878. General compliances; enhancement

A. Except as otherwise specifically provided by Subsection D of this Section, no provision of this Subpart shall be construed so as to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana, or the Louisiana Election Code.

B. The district shall have the power and right to adopt a program or programs awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons in accordance with any of the provisions of R.S. 38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950, entitled "Louisiana Minority and Women's Business Enterprise Act".

C. The financial records of the district shall be subjected to audit pursuant to R.S. 24:513.

D. Records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in Vernon Parish shall be confidential on the same basis as such records in the custody of the Department of Economic Development as set forth in R.S. 44:22, with the district's executive director performing the duties and obligations of the secretary of the Department of Economic Development and with any notice required therein being published in the official journal of Vernon Parish rather than the official journal of the state.

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 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 321

HOUSE BILL NO. 740
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:3137, relative to public postsecondary education; to prohibit all postsecondary education boards and institutions from disclosing certain information relative to students and their parents and legal guardians; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3137 is hereby enacted to read as follows:

§137. Student information; prohibition on disclosure

A. Except as provided in Subsection B of this Section, no official or employee of any public postsecondary education board or institution shall disclose to anyone for any purpose the following information without the affirmative written consent of the person to which the information pertains:

(1) The contact information or personally identifiable information for a student as listed in student directory information pursuant to the Family Educational Rights and Privacy Act. If the student is under the age of eighteen and not emancipated, such information may be shared upon the affirmative written consent of his parent or legal guardian.

(2) The contact information or personally identifiable information for the parent or legal guardian of a student.

B. An official or employee of any public postsecondary education board or institution may disclose such contact information and personally identifiable information:

(1) To an official or employee of any public postsecondary education board or institution or public agency who needs the information to perform his official duties. (2) In response to a subpoena, discovery request, or court order compelling its production.

C. For the purposes of this Section:

(1) "Contact information" means an electronic mail address or a telephone number.

(2) "Personally identifiable information" has the same meaning as in R.S. 17:3914.

(3) "Parent or legal guardian" has the same meaning as in R.S. 17:3914.

Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

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

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237, 1252, ~~1952~~, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390, 3773, 3884

* * *

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 322

HOUSE BILL NO. 746

BY REPRESENTATIVES GAROFALO, ADAMS, AMEDEE, BAGLEY, BEAULLIEU, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COX, CREWS, DESHOTEL, DUBUISSON, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GOUDEAU, HARRIS, HORTON, JEFFERSON, JENKINS, MIKE JOHNSON, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, NELSON, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, STEFANSKI, THOMAS, THOMPSON, WHEAT, WHITE, AND WRIGHT

AN ACT

To enact R.S. 14:95(L), relative to the illegal carrying of weapons; to provide an exception to the crime of illegal carrying of weapons for certain persons during a mandatory evacuation in a declared state of emergency or disaster; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(L) is hereby enacted to read as follows:

§95. Illegal carrying of weapons

* * *

L. The provisions of Paragraph (A)(1) of this Section shall not apply to any person who is not prohibited from possessing a firearm pursuant to R.S. 14:95.1 or any other state or federal law and who is carrying a concealed firearm on or about his person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency or disaster declared pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act. For purposes of this Subsection, "in the act of evacuating" means the immediate and urgent movement of a person away from the evacuation area within forty-eight hours after a mandatory evacuation is ordered. The forty-eight-hour period may be extended by an order issued by the governor.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 323

HOUSE BILL NO. 763

BY REPRESENTATIVES MCFARLAND AND DAVIS

AN ACT

To enact R.S. 29:723(18) and (19) and 724(H), relative to the disruption of certain economic conditions; to provide for abnormal economic disruptions; to provide for definitions; to provide for certain declarations by the governor; to provide relative to the price of certain goods and services; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:723(18) and (19) and 724(H) are hereby enacted to read as follows:

§723. Definitions

As used in this Chapter:

* * *

(18) "Abnormal economic disruption" means a disruption or anticipated disruption to usual business conditions caused by a natural or man-made disaster or emergency resulting from a terrorist attack, war, strike, civil disturbance, tornado, earthquake, fire, flood, or any other natural disaster or man-made disaster.

(19) "Costs" includes any expense or expenditure directly or indirectly related to the sale of a good or provision of a service or the operation of the person's business.

§724. Powers of the governor

* * *

H.(1) Upon the declaration of an abnormal economic disruption by the governor by proclamation or executive order, and continuing for a maximum of fifteen calendar days, a person is prohibited from charging any other person a price for any of the following goods or services that is grossly in excess of the price generally charged for the same or similar goods or services

in the usual course of business:

(a) Consumer food items.

(b) Repair or construction services.

(c) Emergency supplies.

(d) Medical supplies.

(e) Building materials.

(f) Motor vehicle fuels.

(g) Transportation, freight, and storage services.

(h) Housing.

(2) A declaration of an abnormal economic disruption by the governor may authorize all departments to exercise actions in direct response and specify that only certain goods or services are covered by the prohibition provided by Paragraph (1) of this Subsection.

(3) A price increase is not grossly excessive if the increase was attributable to any of the following:

(a) Fluctuations of pricing in applicable regional, national, or international commodity markets.

(b) Pricing set forth in any preexisting agreement, including stored and in-transit inventory.

(c) Additional costs imposed on the person by the supplier of the goods or services.

(d) Additional costs for labor, services, or materials used to provide the goods or services, including costs of replacement inventory, additional costs to transport goods or services, and additional labor charges. (4) The provisions of R.S. 29:732 shall supersede any conflicting provisions of this Subsection upon the declaration of a state of emergency implementing the provisions of R.S. 29:732.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 324

HOUSE BILL NO. 766

BY REPRESENTATIVE BROWN

AN ACT

To amend and reenact R.S. 32:388(B)(4)(b)(introductory paragraph) and to enact R.S. 32:388(B)(4)(b)(xiv), relative to trucks hauling construction aggregates; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:388(B)(4)(b)(introductory paragraph) is hereby amended and reenacted and R.S. 32:388(B)(4)(b)(xiv) is hereby enacted to read as follows:

§388. Penalties; payments

* * *

B.

* * *

(4)

* * *

(b) When used in this Paragraph Subsection, "construction aggregates" means any of the following:

* * *

(xiv) Bulk soil.

* * *

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 325

HOUSE BILL NO. 781

BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, BEAULLIEU, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, DUBUISSON, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GAROFALO, HARRIS, HORTON, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCKNIGHT, MINCEY, CHARLES OWEN, ROBERT OWEN, RISER, ROMERO, SCHAMERHORN, THOMAS, WHEAT, AND WRIGHT

AN ACT

To amend and reenact R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D) (4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772, to enact R.S. 14:329.6(H)(3) and R.S. 29:738(C), and to repeal R.S. 14:329.6(A)(6), relative to the regulation of firearms and ammunition during a declared emergency or disaster or public health emergency; to declare certain firearm- and ammunition-related businesses as essential; to provide relative to the authority to regulate the manufacture, sale, and possession of firearms and ammunition during a declared emergency or disaster or public health emergency; to provide relative to the authority of firearm- and ammunition-related businesses to operate during a declared emergency or disaster or public health emergency; to provide relative to the authority of certain officials to regulate with respect to firearms and ammunition

during a declared emergency or disaster or public health emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:329.6(C), (G), and (H)(1) are hereby amended and reenacted and R.S. 14:329.6(H)(3) is hereby enacted to read as follows:

§329.6. Proclamation of state of emergency; conditions therefor; effect thereof

* * *

C. All orders promulgated pursuant to this section Section shall be executed in triplicate and shall be filed with the clerk of court of the parish affected and with the secretary of state of this state.

* * *

G. As used in this Section:

(1) "Disaster" shall have the same meaning as provided in ~~R.S. 29:723(1)~~ R.S. 29:723.

(2) "Emergency" shall have the same meaning as provided in ~~R.S. 29:723(2)~~ R.S. 29:723.

H.(1) The right of each citizen to keep and bear arms is fundamental and shall not be infringed. Nothing in this Section shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in Paragraph (2) of this Subsection.

* * *

(3) Firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers and shooting ranges are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared emergency or disaster.

Section 2. R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772 are hereby amended and reenacted and R.S. 29:738(C) is hereby enacted to read as follows:

§724. Powers of the governor

* * *

D. In addition to any other powers conferred upon the governor by law, he may do any or all of the following:

* * *

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or emergency. For purposes of this Paragraph, private property does not include firearms, ammunition, or components of firearms or ammunition.

* * *

(6) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles, excluding those components of firearm ammunition.

* * *

§727. Powers of the parish president; penalties for violations

* * *

F. In addition to any other powers conferred upon the parish president by the constitution, laws, or by a home rule charter or plan of government, such authority may do any or all of the following:

* * *

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the local disaster. For purposes of this Paragraph, private property does not include firearms, ammunition, or components of firearms or ammunition.

* * *

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles, excluding those components of firearm ammunition.

* * *

§730.3. Evacuations and curfews

* * *

F. During a declared disaster or state of emergency, the parish president may in the proclamation for evacuation or a separate proclamation impose a curfew prohibiting anyone who is not designated as essential workforce or critical workforce to be on a public street or place. The curfew may be for the entire parish or for certain areas of the parish, and the curfew may be for an unlimited period of time or may be for certain periods of time during each twenty-four-hour period. The proclamation shall specify the geographical area or areas and the period during each twenty-four-hour period to which the curfew applies. The proclamation imposing a curfew may regulate and close places of amusement and assembly; and prohibit the sale and distribution of alcoholic beverages, and regulate and control, subject to the provisions of R.S. 29:738, the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

* * *

§737. Municipalities; authority to respond to emergencies

* * *

B. As used in this Section, "emergency response measures" includes, but is not limited to, any or all of the following:

* * *

(7) Suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles, excluding those components of firearm ammunition.

* * *

§738. Emergency powers do not extend to confiscation or seizure of lawfully

possessed or used firearms, weapons, or ammunition; exceptions

A. The right of each citizen to keep and bear arms is fundamental and shall not be infringed. Nothing in this Chapter shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in Subsection B of this Section.

* * *

C. Firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers and shooting ranges are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared emergency or disaster.

* * *

§766. Declaration of a state of public health emergency

* * *

D. Emergency powers.

During a state of public health emergency, in addition to any powers conferred upon the governor by law, he may do any or all of the following:

* * *

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or emergency. For purposes of this Paragraph, private property does not include firearms, ammunition, or components of firearms or ammunition.

* * *

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles, excluding those components of firearm ammunition.

* * *

§772. Exclusion

R.S. 29:736 and 738 shall apply to this Chapter.

Section 3. R.S. 14:329.6(A)(6) is hereby repealed in its entirety.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 326

HOUSE BILL NO. 812

**BY REPRESENTATIVE DUSTIN MILLER AND SENATOR FOIL
AN ACT**

To amend and reenact R.S. 4:214.1, relative to horse racing facilities; to provide for racing days; to provide for thoroughbred race meets; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:214.1 is hereby amended and reenacted to read as follows:

§214.1. Minimum live racing dates; offtrack and other authorized wagering

A. An association shall not be licensed to conduct offtrack or other authorized wagering in the state unless it conducts live horse racing for not less than one hundred thirty racing days within each fifty-two week period at the facility designated in its license. Of the required one hundred thirty racing days, not less than eighty-four days shall be thoroughbred horse racing days conducted during twenty-one consecutive weeks and not less than forty-six days shall be quarter horse racing days conducted during twelve consecutive weeks. The foregoing minimum racing requirements are mandatory unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days, including the minimum quarter horse racing days, required by this Section as a condition of operating the offtrack betting facility.

B. Notwithstanding any provision of law to the contrary, at any facility subject to the provisions of R.S. 27:372.1(A), ~~such the~~ facility shall maintain a minimum of eighty thoroughbred horse racing days conducted during twenty consecutive weeks and not less than ~~ten~~ fifteen days of quarter horse racing conducted during ~~three~~ five consecutive weeks. The racing days provided for in this Subsection shall be conducted within a fifty-two week period. The foregoing minimum racing requirements are mandatory unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days, including the minimum quarter horse racing days, required by this Section as a condition of operating the offtrack betting facility.

Section 2. This Act shall become effective if and when the Class Action Settlement Agreement in the lawsuit Soileau v. Churchill Downs La. Horseracing Co., Parish of Orleans, Civil District Court, Division G, No. 2014-3873, is approved by the Court and becomes final and non-appealable. Contingent upon this approval, as confirmed by a final and non-appealable judgment, any amounts of purses from net video draw poker device revenue collected but not yet distributed on the date the amended statute is made effective shall be allocated and distributed according to the amended statute,

using the same formula provided therein.

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 327

2020 Regular Session
HOUSE BILL NO. 815
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 37:3103(A)(3), (3.1), and (4) and to enact R.S. 37:3103(A)(11) and 3105(C) and (D), relative to online auctions; to define terms; to provide for auctions conducted through internet-based platforms; to provide for the employment of live auctioneers; to provide for responsible parties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3103(A)(3), (3.1), and (4) are hereby amended and reenacted and R.S. 37:3103(A)(11) and 3105(C) and (D) are hereby enacted to read as follows:

§3103. Definitions of terms

A. As used in this Chapter, these terms shall have the definitions ascribed to them, unless the context indicates otherwise:

* * *

(3)(a) "Auction" means the sale by competitive bid by means of a verbal exchange, regular mail, telecommunications, or the internet of any property which sale consists of a series of invitations for offers to purchase property made by the auctioneer ~~and~~ or offers to purchase made by members of the audience culminating in the acceptance by the auctioneer of the highest or most favorable bid.

(b) "Auction" includes but is not limited to all of the following:

(i) Live auctions.

(ii) Online auctions.

(iii) Real-time auctions.

(iv) Extended auctions.

(v) Any similar events as may be devised with the development of technology.

(vi) Any combination of the Items provided in this Subparagraph.

(3.1)(a) "Auction house", "auction company", and "auction business" are synonymous and interchangeable terms and mean any entity, whether a sole proprietorship, partnership, limited liability partnership, limited liability company, corporation, or any other legal entity defined by the board, which arranges, manages, sponsors, advertises, or carries out two or more auctions within any twelve-month period and which regularly represents that goods are sold at auction. The terms include entities defined in this Subparagraph which conduct business on an internet-based platform.

(b) ~~However, a~~ A public livestock auction business which exclusively auctions livestock and which is regulated as a public livestock market by the Louisiana Board of Animal Health pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for purposes of this Chapter. ~~"Auction house," "auction company," and "auction business" shall not mean an entity which sells property through an internet-based trading platform unless such entity's activities constitute an "auction" as defined in Paragraph (3) of this Subsection.~~

(4) "Auctioneer" means any person who, for another, with or without receiving or collecting a fee, commission, or other valuable consideration, sells or offers to sell property at an auction. ~~"Auctioneer" shall not mean a person who sells property through an internet-based trading platform unless such person's activities constitute an "auction" as defined in Paragraph (3) of this Subsection.~~

* * *

(11) "Internet-based platform" means a website which is used by licensed auction houses or auctioneers to conduct auctions as defined in this Chapter.

* * *

§3105. Auction regulations generally

* * *

C. Auction houses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live, real-time, or simulcast auction is required to employ a licensed auctioneer to call the live, real-time, or simulcast auction.

D. Auction houses which conduct any auction through an internet-based platform are responsible for the actions of that platform and its employees or agents in the conduct of that auction.

Section 2. This Act shall become effective on January 1, 2021.

Approved by the Governor, June 12, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 328

HOUSE BILL NO. 822
BY REPRESENTATIVE ROBBY CARTER

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

AN ACT

To amend and reenact R.S. 36:259(A)(20) and R.S. 37:3386.1 through 3387.4, 3387.5(B) through (D), (E)(introductory paragraph) and (1) through (3), (F), and (G)(2) through (4), 3387.6(B) through (D), (E)(introductory paragraph), (2), (3), (5), and (6), (F), (G)(2) through (4), and (I), 3387.10(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E), 3388(B) and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A) (introductory paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2, 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D), 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B) (introductory paragraph) and (1) through (7), to enact R.S. 37:3388.4(A)(13) through (15) and 3390.3(E), and to repeal R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B), relative to the practice of counseling of persons with addictive disorders by licensed, certified, and registered professionals; to provide relative to credentialing requirements for such professionals; to make revisions in the Addictive Disorders Practice Act; to provide for the roles of the Louisiana Department of Health and the Addictive Disorder Regulatory Authority with respect to credentialing and regulation of professionals engaged in counseling of persons with addictive disorders; to provide for the governing board of the authority as the successor to the department with respect to the licensing, certification, and registration of such professionals; to provide for definitions; to provide for redesignation of certain laws by the Louisiana State Law Institute; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(A)(20) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health
A. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in R.S. 36:803:

* * *

(20) Addictive Disorder Regulatory Authority (~~R.S. 37:3389~~ R.S. 37:3386.2).

* * *

Section 2. R.S. 37:3386.1 through 3387.4, 3387.5(B) through (D), (E)(introductory paragraph) and (1) through (3), (F), and (G)(2) through (4), 3387.6(B) through (D), (E)(introductory paragraph), (2), (3), (5), and (6), (F), (G)(2) through (4), and (I), 3387.10(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E), 3388(B) and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A)(introductory paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2, 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D), 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B)(introductory paragraph) and (1) through (7) are hereby amended and reenacted and R.S. 37:3388.4(A)(13) through (15) and 3390.3(E) are hereby enacted to read as follows:

§3386.1. Definitions

As used in this Chapter, the following definitions apply ~~terms have the meaning ascribed to them in this Section:~~

(1) "Addiction counselor" means any person who is licensed, certified, or registered in accordance with the provisions of this Chapter and procedures established by the ~~department board~~ and who, by means of his special knowledge acquired through formal education or practical experience, is qualified to provide addiction counseling services to those individuals afflicted with or suffering from an addictive disorder or certain co-occurring disorders. The counseling services provided shall be those which utilize KSA or core functions, as determined by the ~~department board~~ to be appropriate for the addictive disorder or disorders presented.

(2) "Addictive disorder" means the repeated pathological use of substances including but not limited to alcohol, drugs, or tobacco, or repeated pathological compulsive behaviors including but not limited to gambling, which cause physical, psychological, emotional, economic, legal, social, or other harms to the individual afflicted with the addiction or to others affected by the individual's affliction. As used in this Chapter, "addictive disorder" shall include not only those instances where withdrawal from or tolerance to the substance or behaviors are present but also those instances involving use and abuse of substances.

(3) "Board" means the ~~Louisiana State Board of Certification for Substance Abuse Counselors through June 30, 2007. Effective July 1, 2007, "board" shall mean the governing body of the Addictive Disorder Regulatory Authority.~~

(4) "Certified clinical supervisor" means any person holding the necessary credential of licensed, certified, or registered addiction counselor ~~or any person who holds a specialty substance abuse credential in another professional discipline in a human services field at the master's level or higher; and who has satisfied the requirements established by the department board to provide clinical supervision.~~

(5) "Client" means the individual, couple, family, group, organization, or community that seeks or receives addiction counseling services from the addiction professional or an addiction facility until discharged.

(6) "Clinical supervision" means the interpersonal tutorial relationship between a certified clinical supervisor and other licensed, certified, or registered addiction counseling professionals centered on the goals of skill

* As it appears in the enrolled bill

development and professional growth through learning and practicing. Through observation, evaluation, and feedback, clinical supervision enables the supervisee to acquire the competence needed to deliver effective patient care while fulfilling professional responsibility. Clinical supervision is understood to emphasize improvement of the counseling skills and effectiveness of the supervisee and is to be distinguished from administrative supervision.

(6) (7) "Compulsive gambling counselor" means any person holding a necessary credential as a licensed, certified, or registered addiction counselor, or a necessary credential as a qualified mental health professional, who is certified by the department board, in accordance with the provisions of this Chapter, as possessing special knowledge acquired through formal education and clinical experience and thus is qualified to provide gambling addiction counseling to persons who have a gambling addiction disorder or who exhibit gambling addictive behaviors.

(7) (8) "Co-occurring disorder" means a disorder in which an individual has at least one psychiatric disorder as well as an addictive disorder. While these disorders may interact differently in any one person, at least one disorder of each type can be diagnosed independently of the other.

(8) (9) "Core functions" means the screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports, and ~~recordkeeping~~ record-keeping activities associated with counseling and consultation with other credentialed professionals.

(9) (10) "Counselor-in-training" or "CIT" means any person who has not yet met the qualification to become a licensed, certified, or registered counselor, but who has made application to the department board in accordance with the provisions of this Chapter and procedures established by the department board.

(10) "Department" means the Louisiana Department of Health, office for addictive disorders through June 30, 2007. Effective July 1, 2007, "department" shall mean the governing body of the Addictive Disorder Regulatory Authority.

(11) "Custodial environment" means a setting created by a court system in which a person has been deprived of freedom of action in any significant way.

(12) "KSA" means the knowledge, skills, and attitudes designated by the department board as being necessary for effective addiction counseling and required by the department board to be utilized by addictive disorders counselors in providing addiction counseling services.

(12) (13) "Prevention" means those activities and services that prevent, reduce, or stabilize the incidence of addictive disorders and thereby prevent, reduce, or stabilize the prevalence of addictive disorders. The activities contemplated by this definition include services to those at risk of developing an addictive disorder as well as those individuals who, though not necessarily at risk of developing an addictive disorder, are nonetheless appropriate for services. In addition, prevention shall be understood to include educational programs and activities that are designed to raise the awareness of and encourage healthy behaviors.

(14) "Prevention specialist-in-training" or "PSIT" means any person who has not yet met the qualifications to become a licensed, certified, or registered prevention professional, but who has made application to the department board in accordance with the provisions of this Chapter and procedures established by the department board.

(15) "Qualified mental health professional" means:

(a) A psychiatrist licensed pursuant to R.S. 37:1261 et seq.

(b) A psychologist licensed pursuant to R.S. 37:2351 et seq., or a medical psychologist licensed pursuant to R.S. 37:1360.51 et seq.

(c) A licensed clinical social worker licensed pursuant to R.S. 37:2701 et seq.

(d) A mental health counselor licensed pursuant to R.S. 37:1101 et seq.

(16) "Substance abuse disorder" means the repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to the individual user or to others affected by the user's behavior.

§3387. Licensed addiction counselor; scope of practice

A.(1) The practice of licensed addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2) The licensed addiction counselor may practice autonomously, independent of any other professional association or supervision.

(3) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

B. The department board shall adopt and promulgate rules which govern licensed addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the department board as a licensed addiction counselor shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the department board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If

an application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as a licensed addiction counselor each candidate who:

(1) Possesses a master's degree from an accredited institution of higher education. The degree shall be in a human services or behavioral science discipline, or such other discipline or disciplines as the department board may deem appropriate.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the department board.

(4) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the department board authorizing the department board to obtain a criminal history and to conduct a criminal background check.

(6)(a) Demonstrates professional competence by passing a written ~~and oral~~ examination ~~and making a case presentation~~.

(b) The department board shall determine the scope and administration of the examination.

(c) The department board may provide for circumstances under which a candidate who fails either the examination, but who meets all other requirements, may retake the examination.

(d) ~~The department shall prescribe the scope and manner of the case presentation required by the provisions of Subparagraph (a) of this Paragraph. The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.~~

(7) Documents the completion of ethics training; as prescribed by the department board.

(8) Signs a form of professional and ethical accountability and responsibility; as prescribed by the department board.

(9) Documents the completion of supervised clinical hours; under conditions as shall be determined by the department board. The department board may require that such supervision be conducted by a certified clinical supervisor.

(10) Provides three letters of recommendation as prescribed by the department board.

F. The department board may prescribe such other qualifications and requirements for licensed addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided ~~under pursuant to~~ the authority of this Chapter.

§3387.1. Certified addiction counselor; scope of practice

A.(1) The practice of certified addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of supervised professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2)(a) The certified addiction counselor may not practice independently, except when providing addiction counseling services in a prison or other custodial environment, ~~and may not render a diagnostic impression~~.

(b) The certified addiction counselor shall work only under the supervision of a licensed addiction counselor or qualified mental health professional.

(c) The certified addiction counselor shall register his supervisory licensed addiction counselor or qualified mental health professional with the board.

(d) Supervisory contact between the certified addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional shall be regular and documented, and shall be provided to the board upon request.

(3) The certified addiction counselor may not render a diagnostic impression.

(4) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making supervised referrals to appropriate professionals, providing supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

B. The department board shall adopt and promulgate rules which govern certified addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the department board as a certified addiction counselor shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the department board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as a certified addiction counselor each candidate who:

(1) Possesses a bachelor's degree from an accredited institution of higher education. The degree shall be in a human services or behavioral science discipline, or such other discipline or disciplines as the department board may deem appropriate.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the department board.

(4) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the department board authorizing the department board to obtain a criminal history or to conduct a criminal background check.

(6)(a) Demonstrates professional competence by passing a written ~~and oral~~ examination, ~~and making a case presentation~~.

(b) The department board shall determine the scope and administration of the examinations examination.

(c) The department board may provide for circumstances under which a candidate who fails ~~either the~~ examination, but who meets all other requirements, may retake the examination.

(d) The department board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

~~(e) The department shall prescribe the scope and manner of the case presentation required by the provisions of Subparagraph (a) of this Paragraph.~~

(7) Documents the completion of ethics training; as prescribed by the department board.

(8) Signs a form of professional and ethical accountability and responsibility as prescribed by the department board.

(9) Documents the completion of supervised clinical hours; under such conditions as shall be determined by the department board. The department board may require that such supervision be conducted by a certified clinical supervisor.

(10) Provides three letters of recommendation as prescribed by the department board.

F. The department board may prescribe such other qualifications and requirements for certified addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided ~~under pursuant to~~ the authority of this Chapter.

§3387.2. Registered addiction counselor; scope of practice

A.(1) The practice of registered addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2)(a) The registered addiction counselor may not practice independently.

(b) The registered addiction counselor shall work only under the supervision of a licensed addiction counselor or other qualified mental health professional.

(c) The registered addiction counselor shall register his supervisory licensed addiction counselor or other qualified mental health professional with the Addictive Disorder Regulatory Authority.

(d) Supervisory contact between the registered addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional shall be regular and documented, and shall be provided to the board.

(3) The registered addiction counselor and may not render a diagnostic impression.

(4) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making supervised referrals to appropriate professionals, providing supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions. ~~The scope of practice shall in no way be construed to include services designed to address work organization productivity issues and employee client problems affecting job performance and the ability to perform on the job.~~

B. The department board shall adopt and promulgate rules which govern registered addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the department board as a registered addiction counselor shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the department board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as a registered addiction counselor each candidate who:

(1) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the department board.

(3) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the department board authorizing

the department board to obtain a criminal history or to conduct a criminal background check.

(5) Demonstrates professional competence by passing a written ~~and oral~~ examination, ~~and making a case presentation~~.

(b) The department board shall determine the scope and administration of the examinations examination.

(c) The department board may provide for circumstances under which a candidate who fails ~~either the~~ examination, but who meets all other requirements, may retake the examination.

(d) The department board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

~~(e) The department shall prescribe the scope and manner of the case presentation required by the provisions of Subparagraph (a) of this Paragraph.~~

(6) Documents the completion of ethics training; as prescribed by the department board.

(7) Signs a form of professional and ethical accountability and responsibility as prescribed by the department board.

(8) Documents the completion of supervised clinical hours; under such conditions as shall be determined by the department board. The department board may require that such supervision be conducted by a certified clinical supervisor.

(9) Provides three letters of recommendation as prescribed by the department board.

F. The department board may prescribe such other qualifications and requirements for registered addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided ~~under pursuant to~~ the authority of this Chapter.

§3387.3. Counselor-in-training

A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

B.(1) The status of counselor-in-training (CIT) is intended to assist professional development by providing qualified individuals with supervised clinical counseling experience.

(2) ~~This status~~ The status of counselor-in-training is, by its very nature, temporary and it is anticipated that the individual will progress through the experience to become a licensed, certified, or registered addiction counselor.

(3) The counselor-in-training may not practice independently.

(4) The counselor-in-training may ~~only work~~ work only under the direct supervision of a licensed addiction counselor, certified addiction counselor, or registered addiction counselor; or in the absence of a licensed, certified, or registered addiction counselor, under the direction of a qualified mental health professional.

(5) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making directly supervised referrals to appropriate professionals, providing directly supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

~~B. C.~~ The department board shall adopt and promulgate rules which govern the status of counselor-in-training in accordance with the provisions of this Chapter.

~~C. D.~~ Any person seeking to be recognized by the department board as a counselor-in-training shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

~~D. E.~~ Upon investigation of the application, the department board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

~~E. F.~~ The department board shall recognize as a counselor-in-training each candidate who:

(1) Is a legal resident of the United States and at least eighteen years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the department board.

(3) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the department board authorizing the department board to obtain a criminal history or to conduct a criminal background check.

(5) Signs a form of professional and ethical accountability and responsibility as prescribed by the department board.

(6) Provides three letters of recommendation as prescribed by the department board.

~~F. G.~~ The department board may prescribe such other qualifications and requirements for counselor-in-training as may be appropriate for the protection of the public or the enhancement of professional services provided ~~under pursuant to~~ the authority of this Chapter.

§3387.4. Addiction treatment assistant

A. An addiction treatment assistant is a paraprofessional who serves in

a supportive role within the therapeutic process. The addiction treatment assistant shall work under the direct supervision of a licensed, certified, or registered counselor in a manner prescribed by the department board.

B. The department board shall adopt and promulgate rules which govern addiction treatment assistants in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the department board as an addiction treatment assistant shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the department board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as an addiction treatment assistant each candidate who:

(1) Is a legal resident of the United States and at least sixteen years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the department board.

(3) Is not and has not been a substance abuser or compulsive gambler during the previous six months from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate, or at least one parent or legal guardian of a candidate in the case of an unemancipated minor, shall sign a form prescribed by the department board authorizing the department board to obtain a criminal history or to conduct a criminal background check.

(5) Signs a form of professional and ethical accountability and responsibility as prescribed by the department board.

(6) Provides three letters of recommendation as prescribed by the department board.

§3387.5. Certified clinical supervisor
* * *

B. The department board shall adopt and promulgate rules which shall provide for the certification of clinical supervisors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the department board as a certified clinical supervisor shall first complete clinical supervision training approved by the department board. The candidate may then submit an application on a form and in a manner prescribed by the department board. Documentation of the clinical supervision training shall accompany the application.

D. Upon investigation of the application, the department board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as a certified clinical supervisor each candidate who:

(1) Is a licensed, certified, or registered addiction counselor or holds a specialty substance abuse certification in another professional discipline in a human services field at the masters level or higher.

(2) Is not in violation of any ethical standards subscribed to by the department board.

(3) Does not have any pending disciplinary action with the department board.
* * *

F. Each clinical supervisor candidate must sign a form prescribed by the department board authorizing the department to obtain a criminal history or to conduct a criminal background check.

G.
* * *

(2) The department board shall determine the scope and administration of the examination.

(3) The department board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(4) The department board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.
* * *

§3387.6. Certified compulsive gambling counselor
* * *

B. The department board shall adopt and promulgate rules which shall provide for the certification of compulsive gambling counselors in accordance with this Chapter.

C. Any person seeking to be recognized by the department board as a certified compulsive gambling counselor shall hold the valid and current necessary credential of licensed, certified, or registered addiction counselor or hold the valid and current necessary credential of a qualified mental health professional. In addition, the candidate shall complete the minimum educational hours provided for in this Chapter. Any candidate holding the necessary credential who has completed the educational hours required may submit an application on a form and in a manner prescribed by the department board. Documentation of the necessary credential and completion of the required educational hours shall accompany the application. The application

shall also be accompanied by a fee as provided for in this Chapter.

D. Upon investigation of the application, the department board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If the application is rejected, the notice shall state the reason for such rejection.

E. The department board shall recognize as a certified compulsive gambling counselor each candidate who:

* * *

(2) Is not in violation of any ethical standards subscribed to by the department board.

(3) Does not have any pending disciplinary action with the department board, or, in the case of a qualified mental health professional, with the appropriate regulatory board.
* * *

(5) Has successfully completed a minimum of sixty educational hours, approved by the department board, specific to addiction.

(6) Has successfully completed a minimum of thirty educational hours, approved by the department board, specific to gambling addiction.
* * *

F. Each compulsive gambling counselor candidate shall sign a form prescribed by the department board authorizing the department board to obtain a criminal history or to conduct a criminal background check.

G.
* * *

(2) The department board shall determine the scope and administration of the examination.

(3) The department board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(4) The department board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.
* * *

I. The department board shall revoke the certification for gambling counseling of any person who does not maintain the valid and current necessary credential of licensed, certified, or registered addiction counselor or qualified mental health professional.

§3387.10. Licensed prevention professional
* * *

B. Any person seeking to be recognized by the department board as a licensed prevention professional shall submit an application to the department board on a form and in a manner as the department board shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The license shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the department board shall, ~~not less than within~~ forty-five days ~~prior to any examination~~, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The department board shall recognize as a licensed prevention professional each candidate who:

(1) Possesses, at a minimum, a master's degree from an accredited institution of higher education and documents one year of ~~department-approved board-approved~~ prevention experience.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the department board.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the department board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the department board with a certified criminal history.
* * *

(b) The department board shall determine the scope and administration of the examination.

(c) The department board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The department board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the department board and signs a form of professional and ethical accountability and responsibility as prescribed by the department board.

(7) Documents having successfully completed any training prescribed by the department board. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the department board.

E. The licensed prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The department board may adopt and promulgate such additional

rules as may be necessary and may prescribe such other qualifications and requirements for licensed prevention professionals as may be appropriate for the protection of the public or the enhancement of professional services provided under pursuant to the authority of this Chapter.

§3387.11. Certified prevention professional

* * *

B. Any person seeking to be recognized by the ~~department board~~ as a certified prevention professional shall submit an application to the ~~department board~~ on a form and in a manner as the ~~department board~~ shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The certification shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the ~~department board~~ shall, ~~not less than within~~ forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The ~~department board~~ shall recognize as a certified prevention professional each candidate who:

(1) Possesses a bachelor's degree from an accredited institution of higher education and documents two years of ~~department-approved board-approved~~ prevention experience.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the ~~department board~~.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the ~~department board~~ may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the ~~department board~~ with a certified criminal history.

(5)

* * *

(b) The ~~department board~~ shall determine the scope and administration of the examination.

(c) The ~~department board~~ may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The ~~department board~~ shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the ~~department board~~ and signs a form of professional and ethical accountability and responsibility as prescribed by the ~~department board~~.

(7) Documents having successfully completed any training prescribed by the ~~department board~~. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the ~~department board~~.

E. The certified prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The ~~department board~~ may adopt and promulgate such additional rules as may be necessary and may prescribe such other qualifications and requirements for certified prevention professionals as may be appropriate for the protection of the public or the enhancement of professional services provided under pursuant to the authority of this Chapter.

§3387.12. Registered prevention professional

* * *

B. Any person seeking to be recognized by the ~~department board~~ as a registered prevention professional shall submit an application to the ~~department board~~ on a form and in a manner as the ~~department board~~ shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The registration shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the ~~department board~~ shall, ~~not less than within~~ forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The ~~department board~~ shall recognize as a registered prevention professional each candidate who:

(1) Possesses a high school diploma or its equivalent and documents three years of ~~department-approved board-approved~~ prevention experience.

(2) Is a legal resident of the United States and at least eighteen years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the ~~department board~~.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the ~~department board~~ may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the ~~department board~~ with a certified criminal history.

(5)

* * *

(b) The ~~department board~~ shall determine the scope and administration of the examination.

(c) The ~~department board~~ may provide for circumstances under which a candidate who fails the examination but who meets all other requirements may retake the examination.

(d) The ~~department board~~ shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the ~~department board~~ and signs a form of professional and ethical accountability and responsibility as prescribed by the ~~department board~~.

(7) Documents having successfully completed any training prescribed by the ~~department board~~. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the ~~department board~~.

E. The registered prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The ~~department board~~ may adopt and promulgate such additional rules as may be necessary and may prescribe such other qualifications and requirements for registered prevention professionals as may be appropriate for the protection of the public or the enhancement of professional services provided under pursuant to the authority of this Chapter.

§3387.14. Certified prevention supervisor

* * *

B. The ~~department board~~ shall adopt and promulgate rules which shall provide for the certification of prevention supervisors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the ~~department board~~ as a certified prevention supervisor shall submit an application on a form and in a manner prescribed by the ~~department board~~. The application shall be accompanied by a fee of not less than one hundred dollars nor more than three hundred dollars. The fee for renewal shall be not less than one hundred dollars nor more than three hundred dollars.

D. Upon investigation of the application, the ~~department board~~ shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The ~~department board~~ shall recognize as a certified prevention supervisor each candidate who:

(1) Holds a valid and current credential as a licensed or certified prevention professional.

(2) Is not in violation of any ethical standards subscribed to by the ~~department board~~.

(3) Does not have any pending disciplinary action with the ~~department board~~.

(4) Is not a defendant in any pending felony criminal proceedings.

(5) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the ~~department board~~ may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide a certified criminal history.

(6) Satisfies such other requirements as the ~~department board~~ may establish, including but not limited to receiving specialized training, obtaining specialized experience, and passing an examination. In the event the ~~department board~~ requires an examination, the fee for administering the examination shall be in an amount sufficient to cover the cost of administering the examination, but shall not be less than fifty dollars nor more than two hundred dollars.

§3388. License, certification, registration renewal

* * *

B. Within the two-year period provided for herein in Subsection A of this Section, each licensed, certified, and registered addiction counselor shall provide to the ~~department board~~ documentation of successfully completing forty-eight ~~department-approved board-approved~~ continuing educational hours.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the ~~department board~~.

§3388.1. Counselor-in-training renewal

* * *

B. Within the twelve-month period provided for herein in Subsection A of this Section, each counselor-in-training shall provide to the ~~department board~~ documentation of successfully completing a minimum of twenty ~~department-approved board-approved~~ continuing educational hours or documentation that the counselor-in-training has been actively engaged in pursuing a degree from an accredited institution of higher learning in a human services or behavioral science discipline, or such other discipline or disciplines as the ~~department board~~ may designate.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the ~~department board~~.

* * *

§3388.2. Clinical supervision, prevention supervision, and compulsive gambling counselor certification renewal

* * *

B. Within the twenty-four-month period provided for herein in Subsection A

of this Section, each clinical supervisor, prevention supervisor, and compulsive gambling counselor shall provide to the ~~department board~~ documentation of successfully completing a minimum of eight ~~department-approved board-approved~~ continuing educational hours for each certificate being renewed. Such hours shall be directly related to the area of certification.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the ~~department board~~.

D. The ~~department board~~ may prescribe such other requirements for clinical supervision, prevention supervision, and compulsive gambling counselor certification renewal as may be appropriate for the protection of the public or the enhancement of professional services provided under the authority of this Chapter.

§3388.3. Applicability

~~A. The legislature finds that there are various credentials offered and recognized in the state of Louisiana for those professionals who are engaged, prior to July 8, 2004, in the practice of counseling persons suffering from addictive disorders, as well as the providing of prevention services. It is the intent of the legislature that there be a single authority issuing credentials for addictive disorder counseling and prevention professionals in Louisiana. The authority for issuing and recognizing credentials for professionals engaged in the providing of counseling and prevention services for those who suffer from addictive disorders shall be the Louisiana Department of Health, office of behavioral health Addictive Disorder Regulatory Authority.~~

§3388.4. Powers and duties of the department Addictive Disorder Regulatory Authority

A. The ~~department Addictive Disorder Regulatory Authority~~ shall:

* * *

(8) Prescribe and adopt regulations, standards, procedures, and policies governing the manner and conditions under which credit shall be given by the ~~department board~~ for participation in programs of education or experience, including programs of continuing professional education, such as the ~~department board~~ may consider necessary.

(9) Maintain a complete roster of all those awarded a credential or status ~~under pursuant to the provisions of this Chapter. The department may delegate to an appropriate professional association, the responsibility of maintaining a roster or registry of addiction treatment assistants or prevention assistants. This delegation may be upon such terms and conditions as the department deems appropriate or necessary.~~

(10) Adopt and promulgate rules, regulations, and standards for ~~department board~~ approval of institutions providing clinical training or education in areas pertaining to a credential or status governed by the provisions of this Chapter.

(11) Issue subpoenas to require attendance, testimony, and production of documents in the process of enforcing the provisions of this Chapter and ~~department board~~ rules or in order to secure evidence or testimony pursuant to any investigation conducted in furtherance of the ~~department's board's~~ authority or responsibility as provided in this Chapter.

* * *

(13) ~~Enter into any contract, including any professional services contract, related to its responsibilities in complying with this Chapter and other applicable state laws.~~

(14) ~~On or before February first annually, submit a report to the governor, the secretary of the Louisiana Department of Health, and the House and Senate committees on health and welfare encompassing the financial and professional actions of the board. The report shall have the same form and content as prescribed by R.S. 49:1304(B).~~

(15) ~~Adopt standards for supervision of registered and certified addiction counselors.~~

~~B. The department may delegate to an appropriate professional association or university any of the duties imposed upon it by this Chapter, other than rulemaking and fee determination. This delegation may be on such terms and conditions as the department deems appropriate or necessary. The department may authorize any third party acting on its behalf, pursuant to the provisions of this Chapter, to collect any fees authorized by this Chapter. The department may authorize any such third party to keep any fees collected. The board may do all of the following:~~

~~(1) Apply for all available and appropriate public and private grants from any source.~~

~~(2) Accept grants from public or private sources to be utilized for purposes of the board.~~

§3389. Transition; Addictive Disorder Regulatory Authority

~~A. The legislature hereby finds it appropriate that the responsibility and authority to regulate the practice of addictive disorder treatment and prevention be exercised by a licensing board created for that purpose.~~

~~B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created within the Louisiana Department of Health to exercise all regulatory jurisdiction over the credentialing and practice of addiction counselors and prevention professionals, persons holding specialty certifications issued by the board, paraprofessionals authorized by this Chapter, and those in training to become addiction counselors and prevention professionals. The ADRA shall be governed by a board of directors, referred to hereafter in this Chapter as the "board", consisting of seven ~~eight~~ voting members and one nonvoting member, all of whom shall be appointed by the governor, subject to Senate confirmation, as follows:~~

~~(1) One nonvoting member who possesses significant knowledge in the area of addiction from a list of three names submitted by the Louisiana State~~

~~Medical Society.~~

~~(2) One voting member who possesses significant experience and knowledge in the area of compulsive gambling from a list of three names submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.~~

~~(3) One voting member who possesses significant experience and knowledge in the area of prevention from a list of three names submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.~~

~~(4) One voting member who possesses significant experience and knowledge in the area of opiate replacement therapy from a list of three names submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.~~

~~(5) Three voting members from a list of nine names divided into three groups of three names each submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.~~

~~(6) One voting member who is a consumer selected from the state at large.~~

~~C. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. Members of the board shall serve three-year terms. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the unexpired terms of their predecessors.~~

~~E. D. Members of the board shall may elect a chairman and such other officers as they deem necessary to carry out the duties and functions of the board. The ADRA Addictive Disorder Regulatory Authority may employ persons necessary to carry out the provisions of this Chapter and may fix their compensation. The ADRA authority shall employ at least three persons: an executive director, an assistant director, and an administrative assistant. Employees of the board shall be eligible to participate in the state group benefits plan and in the state retirement system.~~

~~F. E. A majority of the voting members of the board shall constitute a quorum for the transaction of all business.~~

~~G. (1) The consumer member of the board shall possess all of the following qualifications:~~

~~(a) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.~~

~~(b) Has attained the age of majority.~~

~~(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).~~

~~(d) Has never been convicted of a felony.~~

~~(e) Does not have and has never had a material financial interest in the healthcare profession.~~

~~(2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.~~

~~G. It is the intent of the legislature that the board exercise all regulatory jurisdiction over the credentialing and practice of addiction counselors, prevention professionals, persons holding specialty certifications issued by the board, paraprofessionals authorized by this Chapter, and those in training to become addiction counselors and prevention professionals.~~

§3390. Prohibited practice; injunctive relief

~~A. No one may hold himself out as having a credential or status authorized by the provisions of this Chapter who is not so recognized by the department board.~~

~~B. The credential or status of anyone who fails to timely renew a status or credential authorized by this Chapter shall be deemed suspended unless and until renewed or reinstated as provided for by the department board. Any person whose status or credential is suspended shall be prohibited from exercising the scope of practice provided for in this Chapter relative to the suspended credential or status.~~

~~C. The department board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of this Chapter. Failure of the department board to seek an injunction shall not constitute a waiver nor confer upon any person violating the provisions of this Chapter a right to engage in such conduct.~~

~~D. In any suit for injunction, the department board may impose on the defendant a penalty of not less than one hundred dollars nor more than one thousand dollars and attorney fees and court costs. The judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute.~~

§3390.1. Persons and practices not affected

* * *

~~C. Nothing in this Chapter shall be construed as prohibiting the activities of any person recognized as a counselor or prevention specialist-in-training by the department board, and employed or supervised in the manner prescribed by the department board, from carrying out specific tasks under professional supervision. The person supervised shall not represent himself to the public as having any credential or status which the department board does not recognize him as having.~~

~~D. Nothing in this Chapter shall be construed as prohibiting the activities of any student in an accredited educational institution; from carrying out activities that are part of the prescribed course of study, provided such activities are authorized by this Chapter or by the department board. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.~~

§3390.2. Reciprocity; other states

~~The department board may recognize, grant, or issue any credential or status authorized by this Chapter, and without examination in this state, to~~

any applicant holding a valid credential or status recognized or issued in another state, provided the ~~department board~~ determines that the credential or status in question is based upon an examination or other requirements substantially equivalent to the requirements of this Chapter and such other requirements as may be prescribed by the ~~department board~~ in accordance with the provisions of this Chapter. The ~~department board~~ shall have the authority to determine which status or credential, and corresponding scope of practice, authorized by this Chapter should be allowed to an individual seeking reciprocity.

§3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

A. The ~~department board~~ shall have the power to deny, revoke, or suspend any credential, specialty certification, status, or other recognition authorized by this Chapter. In addition, the ~~department board~~ is authorized to impose and collect an administrative fee not to exceed five hundred dollars per violation or otherwise discipline any person holding a credential, specialty certification, status, or recognition authorized by this Chapter who:

* * *

(3) Violates any provision of the ethical standards to which the ~~department board~~ subscribes.

* * *

(5) Is impaired in delivery of professional services because of substance ~~abuse use disorder~~, compulsive gambling, or because of medical or psychiatric disability.

* * *

(7) Allows a credential or status issued by the ~~department board~~ to be used by a person other than the one to whom the credential or status was issued.

* * *

(12) Has violated any lawful order, rule, or regulation rendered or adopted by the ~~department board~~.

* * *

B. The ~~department board~~ shall adopt rules and procedures establishing a disciplinary process which shall, at a minimum, comply with the following:

(1) Any person whose credential or status is sought to be disciplined in accordance with the provisions of this Chapter shall be given thirty days notice in writing enumerating the charges and specifying the date for a hearing before the ~~department board~~ conducted in accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

(2) In connection with any hearing, the ~~department board~~ may issue subpoenas, compel the attendance and testimony of witnesses, and administer oaths in the same manner as a district court in the parish wherein the hearing takes place.

(3) A stenographic or audio record of all disciplinary proceedings before the ~~department board~~ shall be made and upon payment by the requesting party a transcript kept on file with the ~~department board~~.

(4) If the ~~department board~~ finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, a summary suspension of a license, certificate, or registration may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and determined pursuant to rule.

C. Any person aggrieved by a decision of the ~~department board~~ in a disciplinary hearing may appeal the decision within thirty days to the district court for the parish wherein the hearing was held pursuant to the Administrative Procedure Act.

D. In addition to the disciplinary action or fines assessed by the ~~department board~~, the ~~department board~~ may assess all costs incurred in connection with the proceedings including but not limited to investigation, court reporting, attorney fees, and court costs.

E. The board, in its discretion, may maintain the confidentiality of an individual licensee, registrant, or certificate holder who violates a provision of this Chapter whenever the board determines that the public interest will be best served by alternatives to the disciplinary process.

§3390.4. Confidentiality

No person holding a credential or status recognized by the ~~department board~~ and authorized by this Chapter may disclose any information he may have acquired from persons consulting him in his professional capacity where the information was necessary to enable him to render services to those persons except:

* * *

(5) When the person waives the privilege by filing a complaint with the ~~department board~~ or otherwise invokes the jurisdiction of the ~~department board~~.

* * *

§3390.6. Addictive disorders professionals; fees and penalties

A. The ~~department board~~ shall, by rule, adopt a schedule of fees and penalties to be charged relative to the issuance of licenses and certifications; ~~as provided for~~ in this Chapter.

B. The ~~department is authorized to board may~~ impose and collect the following fees:

(1) Each application for a licensed addiction counselor, certified addiction counselor, or registered addiction counselor shall be accompanied by a fee prescribed by the ~~department board~~. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than one hundred dollars nor more than three hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than one hundred dollars nor

more than three hundred dollars. ~~The fee for the oral examination or case presentation shall not be less than one hundred dollars nor more than three hundred dollars.~~ The renewal fee for a licensed addiction counselor, certified addiction counselor, or registered addiction counselor shall not be less than one hundred dollars nor more than three hundred dollars.

(2) Each application for a certified prevention specialist or registered preventionist shall be accompanied by a fee prescribed by the ~~department board~~. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than one hundred dollars nor more than three hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than one hundred dollars nor more than three hundred dollars. The renewal fee for a certified prevention specialist or registered preventionist shall not be less than one hundred dollars nor more than three hundred dollars.

(3) Each application for a certified clinical supervisor or certified compulsive gambling counselor shall be accompanied by a fee prescribed by the ~~department board~~. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than fifty dollars nor more than two hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than fifty dollars nor more than two hundred dollars. The renewal fee for a certified clinical supervisor or certified compulsive gambling counselor shall not be less than one hundred dollars nor more than three hundred dollars.

(4) Each application for a counselor-in-training or prevention specialist-in-training shall be accompanied by a fee prescribed by the ~~department board~~. The fee shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than twenty-five dollars nor more than one hundred dollars. The renewal fee for a certified clinical supervisor or certified compulsive gambling counselor shall not be less than twenty-five dollars nor more than one hundred dollars.

(5) Each application for an addiction treatment assistant shall be accompanied by a fee prescribed by the ~~department board~~. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than twenty-five dollars nor more than one hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than twenty-five dollars nor more than one hundred dollars. The renewal fee for an addiction treatment assistant shall not be less than twenty-five nor more than one hundred dollars.

(6) The ~~department board~~ may require that each application or request for a copy of any roster maintained pursuant to ~~R.S. 37:3388.4(9)~~ R.S. 37:3386.3(A) be accompanied by a fee of not less than one hundred dollars nor more than three hundred dollars.

(7) Each training or educational institute, provider, or institution shall pay a fee of not less than two hundred nor more than two hundred fifty dollars to the ~~department board~~ in order to be authorized to provide approved education, training, and courses. Such authorization shall be valid for a period of one year. For those education providers who elect not to seek annual approval, the ~~department board~~ is authorized to impose and collect a fee of not less than one hundred nor more than one hundred fifty dollars for each course approved. In addition, all providers submitting course reports shall pay a fee of not less than one nor more than five dollars per participant.

* * *

Section 3. R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B) are hereby repealed in their entirety.

Section 4.(A) The Louisiana State Law Institute is hereby directed to redesignate R.S. 37:3388.4, as amended by Section 2 of this Act, as R.S. 37:3386.3.

(B) The Louisiana State Law Institute is hereby directed to redesignate R.S. 37:3389, as amended by Section 2 of this Act, as R.S. 37:3386.2.

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State
