

ACTS OF 2020 LEGISLATURE

Acts 1-109

ACT No. 1

HOUSE BILL NO. 848

BY REPRESENTATIVES JAMES, ADAMS, BACALA, BRASS, BROWN, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, DUBUISSON, DUPLESSIS, EDMONDS, EMERSON, FREEMAN, FREIBERG, FRIEMAN, GAINES, GAROFALO, HARRIS, HILFERTY, HUGHES, ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN, LACOMBE, LANDRY, LARVADAIN, LYONS, MARCELLE, MCKNIGHT, MOORE, NEWELL, ROBERT OWEN, PRESSLY, ROMERO, SCHEXNAYDER, SELDERS, THOMAS, THOMPSON, TURNER, WILLARD, WRIGHT, AND WHITE AND SENATORS BERNARD, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HEWITT, JACKSON, JOHNS, LAMBERT, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, WARD, AND WOMACK

AN ACT

To provide that Act No. 833 of the 2014 Regular Session of the Legislature shall be known and may be cited as the "April Dunn Act".

Be it enacted by the Legislature of Louisiana:

Section 1. Act No. 833 of the 2014 Regular Session of the Legislature shall be known and may be cited as the "April Dunn Act".

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 2

HOUSE BILL NO. 11 BY REPRESENTATIVE CARPENTER AN ACT

To amend and reenact R.S. 11:2256(A)(3) and (B)(1)(d), to enact R.S. 11:2256(A)(6), and to repeal R.S. 11:2256(B)(1)(f), relative to benefits in the Firefighters' Retirement System; to provide with respect to payment of benefits if a member dies prior to retirement; to provide for a benefit recipient; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2256(A)(3) and (B)(1)(d) are hereby amended and reenacted and R.S. 11:2256(A)(6) is hereby enacted to read as follows:

§2256. Benefits; refund of contributions, application, and payment

A.

* * *

(3)(a) Any member who has completed twenty or more years of creditable service and who leaves employment covered by this system before attaining age fifty or any member who has completed twelve or more years of creditable service and who leaves employment covered by this system before attaining age fifty-five may select, at any time prior to thirty days before the date that benefits are scheduled to commence to the member, any optional retirement allowance as provided for in R.S. 11:2259; within the same time period allowed above, the member may change the option selected or the beneficiary of the option selected or both.

(b) However, ~~in the event of the death of~~ if the member dies after the selection of the option but prior to the commencement of benefits, the optional benefit will become payable to the option beneficiary; at the time the member would have otherwise begun to receive benefits. ~~In the event that~~ If the member selects neither the maximum regular retirement benefit nor an optional retirement allowance ~~within the time period allowed above, Option 2 will be automatically assumed to have been selected and the member's designated beneficiary shall be the beneficiary of the option.~~ prior to thirty days before the date that benefits are scheduled to commence, the surviving eligible spouse shall be paid benefits as though the member had elected Option 2 of R.S. 11:2259, naming the member's surviving eligible spouse as the option beneficiary. If a member has no surviving eligible spouse, the designated beneficiary shall be the option beneficiary. However, in the event that if a member has no surviving eligible spouse or designated beneficiary, the accumulated contributions of the member shall be refunded to his estate

immediately upon receipt of proof of death.

* * *

(6) For purposes of this Section, "surviving eligible spouse" means the spouse who was married to and living with the member at the time of his death.

B.(1) Benefits shall be payable to the surviving eligible spouse or designated beneficiary of a deceased member as specified in the following:

* * *

(d) If any active contributing member who is eligible for retirement dies before retiring, the member's ~~designated beneficiary surviving eligible spouse~~ shall automatically be paid benefits as though the member had retired on the date of the death and elected Option 2 of R.S. 11:2259, naming the member's ~~designated beneficiary surviving eligible spouse~~ as the option beneficiary of the option. If a member has no surviving eligible spouse, the designated beneficiary shall be the option beneficiary. This benefit shall be payable even though if the member may has not have completed one year of membership service at the date of death. Any person entitled to benefits under this Subparagraph may decline such benefits and elect to receive benefits under Subparagraph (a) or (b) of this Paragraph, whichever is applicable.

* * *

Section 2. R.S. 11:2256(B)(1)(f) is hereby repealed in its entirety.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 3

HOUSE BILL NO. 13 BY REPRESENTATIVE CARPENTER AN ACT

To amend and reenact R.S. 11:157(A)(1), relative to the Firefighters' Retirement System and the Municipal Police Employees' Retirement System; to provide relative to employee membership in the systems; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:157(A)(1) is hereby amended and reenacted to read as follows:

§157. Firefighters' Retirement System; Municipal Police Employees' Retirement System; optional membership; refund of employee contributions; irrevocable election; reenrollment; membership verification information

A.(1) Notwithstanding any other provision of law to the contrary, any employee as defined in R.S. 11:2213 or 2252 who is employed by any employer under the federal Social Security program and which has not previously and specifically excluded its police officers or firefighters from coverage under this federal program may elect not to be or elect not to become a member of the applicable retirement system; ~~however, the employer shall enroll the employee in the applicable retirement system at the time of employment, and the employee shall remain enrolled until he fulfills the requirements set forth in Paragraph (C)(1) of this Section.~~ Any employee who elects not to be a member of the applicable retirement system shall be refunded his employee contributions which have been received by the system, without interest for the period for which he contributed to the system.

* * *

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 4

HOUSE BILL NO. 14 BY REPRESENTATIVE CARPENTER AN ACT

To amend and reenact R.S. 11:2256(E)(3), relative to employee contributions to the Firefighters' Retirement System; to provide relative to the refund of employee contributions; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2256(E)(3) is hereby amended and reenacted to read as follows:

E.

* * *
* * *

(3)(a) ~~Except as provided in Subparagraph (b) of this Paragraph, refunds A refund of accumulated employee contributions shall not be payable until the board of trustees approves the refund at a meeting that occurs at least ninety thirty days after termination or resignation, but and not until all employee contributions for the member have been received by the retirement system. Refunds of accumulated employee contributions for members who previously assigned their contributions in consideration of a loan will be processed under the provisions of R.S. 11:2265.~~

~~(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the board of trustees may authorize the refund of accumulated employee contributions after at least forty five days have elapsed after termination or resignation, provided any such accelerated refund is based on a bona fide emergency circumstance. Every such accelerated refund must be approved by the board at a regularly scheduled or specially scheduled board meeting before the refund is paid.~~

* * *

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 5

**HOUSE BILL NO. 17
BY REPRESENTATIVE BACALA
AN ACT**

To amend and reenact R.S. 11:1902(12)(c) and (d) and (13) and 1903 and to enact R.S. 11:1902(12)(f) and (g), relative to employers covered by the Parochial Employees' Retirement System; to provide relative to certain employers that choose such coverage; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1902(12)(c) and (d) and (13) and 1903 are hereby amended and reenacted and R.S. 11:1902(12)(f) and (g) are hereby enacted to read as follows:

§1902. Definitions

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

* * *

(12)

* * *

(c) "Employee" shall also mean a person employed by a district indigent defender program in this state, without regard to the source of funds for such districts or programs, provided the employee works at least twenty-eight hours a week. ~~week and the program is an employer as defined in this Section.~~ No person employed by an indigent defender program shall be entitled to receive credit for service rendered prior to becoming eligible for membership in the system.

(d) "Employee" shall also mean a person employed by a soil and water conservation district ~~in this state that is an employer as defined in this Section,~~ without regard to the source of funds for such districts.

* * *

(f) "Employee" shall also mean a person employed by a taxing district that is an employer as defined in this Section.

(g) "Employee" shall also mean a person employed by a branch or section of a parish if the branch or section is an employer as defined in this Section.

* * *

(13) "Employer" means any parish in the state of Louisiana, ~~excepting except~~ Orleans and East Baton Rouge Parishes, or the police jury or any other governing body of a parish which employs and pays persons serving the parish. "Employer" means also the Police Jury Association of Louisiana, the Louisiana School Boards Association, ~~and this retirement system; system, and any entity with an approved plan pursuant to R.S. 11:1903.~~ "Employer" shall not mean a parish or city school board.

* * *

~~§1903. Admission of taxing districts; district indigent defender programs; soil and water conservation districts; certain public corporations certain entities as employers~~

~~A. Any taxing district of a parish that qualifies as an employer pursuant to R.S. 11:1902; any branch or section of a parish that qualifies as an employer pursuant to R.S. 11:1902; including a hospital district, water district, library, district indigent defender program in this state, or soil and water conservation district in this state; and any public corporation created pursuant to R.S. 9:2341 et seq. whose sole beneficiary is a parish in the state may submit for approval by the board of trustees a plan for extending the benefits of this Chapter to employees of such instrumentality. The following entities may submit, for approval by the board of trustees, a plan for extending the benefits of this Chapter to employees of the entity:~~

~~(1) Any taxing district in or any branch or section of a parish that qualifies~~

~~as an employer pursuant to R.S. 11:1902, including but not limited to any hospital district, water district, or library.~~

~~(2) A district indigent defender program in this state.~~

~~(3) A soil and water conservation district in this state.~~

~~(4) Any public corporation created pursuant to R.S. 9:2341 et seq., whose sole beneficiary is a parish in the state.~~

~~B. Each such plan or any amendment thereof shall be approved by the board of trustees if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the board of trustees, except that no such plan shall be approved unless:~~

~~(1) It is in conformity with the requirements of this Chapter and applicable state law;~~

~~(2)(a) It provides that covers all services which are performed in the employ of the political subdivision or instrumentality entity, by any employees thereof, shall be covered by the plan; and (b) It extends benefits to all employees of the political subdivision or instrumentality; entity.~~

~~(3) It specifies the source or sources from which the funds necessary to make the payments required by Paragraph (C) (D)(1) and by Subsection D E of this Section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;~~

~~(4) It provides for such methods of administration of the plan by the district entity as are found by the board of trustees to be finds necessary for the proper and efficient administration thereof;~~

~~(5) It provides that the political subdivision or instrumentality entity will make such reports, in such form and containing such information, as the board of trustees may from time to time require and comply with such provisions as the board of trustees may from time to time find necessary to assure the correctness and verification of such reports;~~

~~(6) It authorizes the system to terminate the plan in its entirety, in the discretion of the board of trustees, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the board of trustees; and.~~

~~(7) None of the employees of the political subdivision or instrumentality entity are eligible to participate in another Louisiana public retirement or pension system, plan, or fund based on the employee's employment with the political subdivision or instrumentality entity.~~

~~B. C. The board of trustees shall not finally refuse to approve a plan submitted under Subsection A of this Section; and shall not terminate an approved plan; without reasonable notice and opportunity for hearing to each district entity affected thereby. The board of trustees' decision in any such case shall be final, conclusive, and binding unless an appeal be taken by the political subdivision or instrumentality entity aggrieved thereby appeals to the district court in accordance with the provisions of law with respect to review of civil causes by certiorari.~~

~~C. (1) D. (1) Each district entity for as to which a plan has been approved under this Section shall pay into the system contributions, with respect to earnings as defined in R.S. 11:1902, at such time or times as the board of trustees may by regulation prescribe, in the amounts and at the rates prescribed by the board of trustees as set forth in Part VII of this Chapter.~~

~~(2) Every political subdivision or instrumentality entity required to make payments under Paragraph (1) of this Subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Chapter, to impose upon its employees, as to services which are covered by an approved plan, a contribution with respect to earnings as may be provided in Parts III and IV of this Chapter, and to deduct the amount of such contribution from the earnings as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality entity under Paragraph (1) of this Subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.~~

~~(3) Except as provided in R.S. 11:143 and notwithstanding any other provision of law to the contrary, employer contributions shall not be returned, refunded, transferred, or rolled over to any employee or employer or to any retirement system, plan, or fund.~~

~~D. E. Delinquent payments due under Paragraph (C) (4) (D) (1) of this Section, may, with interest at the system's actuarial valuation rate compounded annually, be recovered by action in a court of competent jurisdiction against the district subdivision or instrumentality entity liable therefor or may, upon due certification of delinquency and at the request of the board of trustees, be deducted from any other monies payable to such district the entity by any department or agency of the state.~~

~~E. (1) F. (1) If any plan entered into under this Section is terminated, the taxing district, branch, or section of a parish entity which terminates its plan may not again participate in the system pursuant to this Section, unless approved by the board of trustees.~~

~~(2) Notwithstanding any other provision of law, if an employer terminates its agreement for coverage of its employees, the employer shall remit to the system that portion of the unfunded actuarial accrued liability, if any, which is attributable to the employer's participation in the system. The amount required to be remitted pursuant to this Paragraph shall be determined as of the December thirty-first immediately prior to the date of termination. Such determination shall be made using the entry age normal actuarial funding method.~~

~~(3) The amount due shall be determined by the actuary employed by the system 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.

(4) ~~Should~~ If the employer ~~fail~~ fails to make payment timely, the amount due shall be collected in the same manner as authorized by Subsection ~~D E~~ of this Section and R.S. 11:2014.

F. G. Notwithstanding any provision of this Chapter to the contrary, a hospital service district located in a parish with a total population between seventy thousand and eighty thousand persons as of the latest federal decennial census may terminate coverage for employees of the district first hired on or after January 1, 2015, as further provided in this Subsection.

(1) If any plan entered into by a hospital district under this Section is prospectively terminated, the hospital district which prospectively terminates its plan may not again begin participation for new employees in the system pursuant to this Section, unless approved by the board of trustees.

(2) Prospective termination of a plan shall follow all notice and any other requirements of termination provided for in the plan agreement.

(3) If, pursuant to this Subsection, an employer terminates its agreement for coverage of its employees first hired after the effective date of the termination, the employer shall remit to the system that portion of the unfunded actuarial accrued liability, if any, which is attributable to the employer's termination. The amount required to be remitted pursuant to this Paragraph shall be determined as of the December thirty-first immediately prior to the date of termination. Such determination shall be made using the entry age normal actuarial funding method.

(4) The amount due shall be determined by the actuary employed by the system 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.

(5) If the employer fails to make payment timely, the amount due shall be collected in the same manner as authorized by Subsection ~~D E~~ of this Section and R.S. 11:2014.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 6

HOUSE BILL NO. 37

BY REPRESENTATIVES MCMAHEN, AMEDEE, BRASS, EDMONDS,
FREEMAN, FREIBERG, JEFFERSON, CHARLES OWEN, AND THOMAS
AN ACT

To enact R.S. 17:3233(E), relative to Northwest Louisiana Technical Community College; to provide for the Taylor Opportunity Program for Students award amount for students enrolled in the college; to provide that the award amount shall be equal to the award amount at other technical community colleges; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3233(E) is hereby enacted to read as follows:

§3233. Northwest Louisiana Technical Community College; mission, management, and operation; Taylor Opportunity Program for Students award amounts

* * *

E. Any student who is eligible for a Taylor Opportunity Program for Students award pursuant to Chapter 50 of this Title and attends Northwest Louisiana Technical Community College shall be awarded by the state an amount determined by the administering agency to equal the award amount for technical community colleges pursuant to R.S. 17:5002.

Section 2. The provisions of this Act shall be applicable to Taylor Opportunity Program for Students awards granted during the 2020-2021 academic year and thereafter.

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 7

HOUSE BILL NO. 58
BY REPRESENTATIVE RISER
AN ACT

To enact 13:5554(LL), relative to the Catahoula Parish Sheriff's Office; to provide for the payment of insurance premium costs; to provide for eligibility requirements for the payment of insurance premium costs for

retired sheriffs and deputy sheriffs of the Catahoula Parish Sheriff's Office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(LL) is hereby enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

* * *

LL. Notwithstanding the provisions of Subsection D of this Section, the sheriff of Catahoula Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retired from the Catahoula Parish Sheriff's Office as follows:

(1) One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance, and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retired with thirty years or more of creditable service with the sheriff's office of Catahoula Parish.

(2) Seventy-five percent of the premium costs of group hospital, surgical, medical expense, and dental insurance, and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retired with twenty-five years of creditable service with the sheriff's office of Catahoula Parish.

(3) Fifty percent of the premium costs of group hospital, surgical, medical expense, and dental insurance, and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retired with twenty years of creditable service with the sheriff's office of Catahoula Parish.

(4) The provisions of this Subsection shall apply only to persons hired by the Catahoula Parish Sheriff's Office on or after July 1, 2020, and who subsequently retire from the Catahoula Parish Sheriff's Office.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 8

HOUSE BILL NO. 65
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 14:139.1(C), relative to the crime of political payroll padding; to provide relative to the exceptions to the crime of political payroll padding by a sheriff; to provide for additional exceptions when no opponent qualifies to run against an incumbent sheriff or when an incumbent sheriff's reelection has been officially declared; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:139.1(C) is hereby amended and reenacted to read as follows:

§139.1. Political payroll padding by sheriff; sale of assets of sheriff's office prohibited

* * *

C.(1) The provisions of this Section shall not apply when the increases or decreases are necessitated by flood, invasion by common enemy, or other public emergency. In addition, the provisions of this Section shall not apply to any increase based upon the utilization of additional revenue from a tax district election or to an increase necessitated by the completion of a new or expansion of an existing prison facility or an emergency communications call or dispatch center.

(2)(a) The provisions of this Section shall not apply to an incumbent sheriff, against whom no person has qualified to run, for any transfers or increases that occur after the date the qualifying period closes for the gubernatorial election through the first day of July following the election.

(b) The provisions of this Section shall not apply to an incumbent sheriff, who is reelected to office, for any transfers or increases that occur after the date the official election results are declared by the election official through the first day of July following the election.

* * *

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 9

HOUSE BILL NO. 81
BY REPRESENTATIVE TURNER
AN ACT

To enact R.S. 42:1119(D), relative to nepotism; to provide an exception to allow an immediate family member of a coach of an athletic program at a public higher education institution to be employed on the staff of that program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(I) is hereby enacted to read as follows:
§1119. Nepotism

* * *

I. Nothing in this Section shall prohibit the employment of an immediate family member of a coach of an athletic program at a public higher education institution on the staff of that program nor shall the provisions of this Section be construed to hinder, alter, or in any way affect normal promotional advancements for such an immediate family member.

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 10

HOUSE BILL NO. 89
BY REPRESENTATIVE JAMES
AN ACT

To amend and reenact R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) and (E)(3) and to enact R.S. 40:964(Schedule I)(A)(68) through (71), (D)(6) and (7), (Schedule IV)(B)(2.1) and (25.1) and (D)(14), and (Schedule V)(D)(5) and (6), relative to the Uniform Controlled Dangerous Substances Law; to add certain substances to Schedules I, II, IV, and V; to provide relative to substances of vegetable origin or chemical synthesis in Schedule II; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) and (E)(3) are hereby amended and reenacted and R.S. 40:964(Schedule I)(A)(68) through (71), (D)(6) and (7), (Schedule IV)(B)(2.1) and (25.1) and (D)(14), and (Schedule V)(D)(5) and (6) are hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

* * *

(68) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)
(69) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
(70) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)
(71) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)

* * *

D. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(6) Clonazepam
(7) Flualprazolam

* * *

SCHEDULE II

A. Substances of vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, isomer, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6B-naltrexol, and naltrexone, and their respective salts, but including the following:

* * *

E. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

* * *

(3) Immediate precursor to fentanyl:
(a) 4-anilino-N-phenethyl-4-piperidine (ANPP)
(b) Norfentanyl (N-phenyl-N-(piperidin-4-yl)propionamide)

For purposes of this Subsection, possession of immediate precursors sufficient

THE ADVOCATE
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* As it appears in the enrolled bill

for the manufacture of phenylacetone, piperidine, or cyclohexanone shall be deemed to be possession of such a derivative substance.

* * *

SCHEDULE IV

* * *

B. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(2.1) Brexanolone

* * *

(25.1) Lemborexant

* * *

D. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers:

* * *

(14) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-carbamate (ester))

* * *

SCHEDULE V

* * *

D. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

* * *

(5) Cenobamate (1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethylcarbamate)
(6) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide)

* * *

Section 2. The Louisiana State Law Institute is hereby authorized and directed to renumber the substances in R.S. 40:964(Schedule I)(D), (Schedule IV)(B), and (Schedule V)(D) to ensure that such substances are in alphabetical order.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 11

HOUSE BILL NO. 91
BY REPRESENTATIVE BAGLEY
AN ACT

To enact R.S. 49:191(12)(b) and to repeal R.S. 49:191(9)(f), relative to the Louisiana Department of Health, including provisions to provide for the re-creation of the Louisiana Department of Health 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 Louisiana Department of Health 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 Louisiana Department of Health 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 Louisiana Department of Health 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 Louisiana Department of Health and all statutory entities made a part of the department by law.

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

Section 6. This Act shall become effective on June 30, 2020; if vetoed by

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

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 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 12

HOUSE BILL NO. 97
BY REPRESENTATIVE LACOMBE
AN ACT

To amend and reenact R.S. 39:112(E)(2)(c), relative to capital outlay; to provide with respect to local match requirements for projects by non-state entities; to provide for certain 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. 39:112(E)(2)(c) is hereby amended and reenacted to read as follows:

§112. Capital outlay act

* * *

E.

* * *

(2) Non-state entity projects shall require a match of not less than twenty-five percent of the total requested amount of funding except:

* * *

(c) A project for a rural water system servicing less than one thousand ~~two hundred and fifty~~ customers to extend or connect waterlines to other water systems.

* * *

Section 2. The provisions of this Act shall be applicable to the funding of all projects included in the capital outlay budget for fiscal years commencing on and after July 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 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 13

HOUSE BILL NO. 98
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact Code of Civil Procedure Article 863(A), relative to the signing of civil pleadings; to provide for a physical service address; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 863(A) is hereby amended and reenacted to read as follows:

Art. 863. Signing of pleadings, effect

A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose physical address for service of process shall be stated. A party who is not represented by an attorney shall sign his pleading and state his physical address for service of process. If mail is not received at the physical address for service of process, a designated mailing address shall also be provided.

* * *

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 14

HOUSE BILL NO. 99
BY REPRESENTATIVE MARINO
AN ACT

To enact R.S. 49:191(12)(b) and to repeal R.S. 49:191(9)(a), relative to the Department of Public Safety and Corrections, including provisions to provide for the re-creation of the Department of Public Safety and Corrections 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:

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

Section 1. Pursuant to R.S. 49:193, the Department of Public Safety and Corrections 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 Public Safety and Corrections 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. 40:191. However, the Department of Public Safety and Corrections 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 Public Safety and Corrections and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(9)(a) 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 4, 2020.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 15

HOUSE BILL NO. 101
BY REPRESENTATIVE CARPENTER
AN ACT

To enact R.S. 40:539(C)(8)(g), relative to employees of the East Baton Rouge Parish Housing Authority; to provide that employees of the authority shall not be in the state civil service; 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. 40:539(C)(8)(g) is hereby enacted to read as follows:

§539. Selection of chairman and vice chairman; executive director; hiring of employees

* * *

C.

* * *

(8)

* * *

(g) Notwithstanding any provision of Subparagraph (a) of this Paragraph or of any other law to the contrary, the East Baton Rouge Parish Housing Authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.

Approved by the Governor, June 4, 2020.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 16

HOUSE BILL NO. 113
BY REPRESENTATIVE AMEDEE
AN ACT

To enact R.S. 15:284(F), relative to the use of facility dogs in certain circumstances; to provide an alternative reference to the law regarding the use of facility dogs in court proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:284(F) is hereby enacted to read as follows:

§284. Facility dogs; use in court; procedure

* * *

F. This Section may be referred to and may be cited as "Duvall's Law".

Approved by the Governor, June 4, 2020.

ACT No. 17

HOUSE BILL NO. 123

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

Provides relative to the allocation of receipts and expense to income and principal

AN ACT

To amend and reenact R.S. 9:2141 through 2144, 2145(1), 2146, 2147 through 2154, and 2156(A), (C), and (E), to enact R.S. 9:2151.1, 2151.2, 2156.1, 2156.2, and Subpart F of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2164, and to repeal R.S. 9:2155 and 2157, relative to the administration of trusts; to provide with respect to allocation to income and principal; to provide for the apportionment and allocation of various types of receipts and expenses; to provide for the obligation to pay money; to provide for charges against income and principal; to provide for transfers from income to principal for depreciation; to provide with respect to the payment of income taxes; to provide for underproductive property; to provide for an effective date and applicability; to provide for redesignation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2141 through 2144, 2145(1), 2146, 2147 through 2154, and 2156(A), (C), and (E) are hereby amended and reenacted, and R.S. 9:2151.1, 2151.2, 2156.1, 2156.2, and Subpart F of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2164, are hereby enacted to read as follows:

§2141. General rule

A trust shall be administered with due regard to the respective interests of the beneficiaries in the allocation of receipts and ~~expenditures~~ expenses.

§2142. Allocation to beneficiaries of income and principal

A trust receipt ~~shall be credited, or an expenditure charged, or expense shall be allocated~~ to income or principal or partly to each:

(1) In accordance with the terms of the trust instrument, including any provision giving the trustee discretion, notwithstanding contrary provisions of this Subpart; ~~or,~~

(2) In accordance with the provisions of this Subpart, in the absence of contrary provisions of the trust instrument; ~~or,~~

(3) If no rule is provided in the trust instrument or this Subpart, ~~entirely to principal in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal.~~

Revision Comments - 2020

Prior law provided that a receipt or expense shall be allocated entirely to principal if no provision in the trust instrument or other provision in this Subpart provided otherwise. This revision changes the default rule in an attempt to be fair to both beneficiaries of income and beneficiaries of principal. It is consistent with other provisions in this revision. See, e.g., R.S. 9:2148, 2151, 2152(A)(4), 2153(A), and 2154(A).

§2143. Allocation to beneficiaries of usufruct and naked ownership

A trust is administered with due regard to the respective interests of beneficiaries of usufruct and naked ownership in the allocation of receipts and ~~expenditures if a receipt is credited or an expenditure is charged~~ expenses to the beneficiary of usufruct or the beneficiary of naked ownership or partly to each:

(1) In accordance with the terms of the trust instrument and the law regulating usufruct, notwithstanding contrary provisions of this Subpart; ~~and~~

(2) In accordance with the provisions of this Subpart, in the absence of applicable law regulating usufruct and if the trust instrument contains no provisions to the contrary; ~~and~~

(3) If neither of the preceding rules applies, in accordance with what is reasonable and equitable in view of the interests of those who are beneficiaries of usufruct as well as those who are beneficiaries of naked ownership, ~~and in view of the manner in which men of ordinary prudence, discretion, and intelligence would act in the management of their own affairs.~~

Revision Comments - 2020

This revision modifies the law in part by making minor semantic clarifications and by deleting the “prudent man” rule that existed under prior law because persons of “ordinary prudence, discretion, and intelligence” do not generally consider the interests of successor beneficiaries in managing their own affairs. See, e.g., UPIA (1997) §103, Comment. Trustees, however, should consider the interests of all beneficiaries in discharging their fiduciary obligations.

§2144. Income and principal distinguished

Receipts paid or delivered in return for the use of ~~money or~~ property forming a part of principal are income, unless this ~~Sub-part~~ Subpart expressly provides to the contrary.

Receipts paid or delivered ~~as the~~ in consideration for the sale or other transfer of property forming a part of principal or as the replacement of property forming a part of principal are principal unless this ~~Sub-part~~ Subpart expressly provides to the contrary.

§2145. When right to income arises

The right of an income beneficiary to income from property in trust arises at the time prescribed in the trust instrument, or, if no time is prescribed

and the person receiving the right to income is the first income beneficiary to receive a right to income from the property, then:

(1) At the time the property becomes subject to the trust, with respect to property transferred by inter vivos disposition; ~~and~~

* * *

§2146. Apportionment of receipts when right to income arises

A. In the administration of property transferred in trust:

(1) Receipts due but not paid when the right of the first income beneficiary to receive income from the property arises shall be treated as accruing when due; ~~and~~

(2) Receipts in the form of periodic payments, other than ~~corporate distributions to stockholders~~ receipts on account of an interest in a juridical person or from a plan subject to R.S. 9:2151.2, not due when the right of the first income beneficiary to receive income from the property arises, shall be treated as accruing from day to day; ~~and~~

(3) Receipts in the form of ~~corporate distributions to stockholders~~ on account of an interest in a juridical person that are allocated to income under R.S. 9:2149 shall be treated as accruing on the date fixed for the determination of ~~stockholders of record~~ those entitled to distribution, or, if no date is fixed, on the date of declaration of the distribution by the ~~corporation~~ juridical person.

(4) All other receipts shall be treated as accruing at the time of payment.

B. Receipts treated as accruing after the right of the first income beneficiary to receive income from the property arises, are income if they otherwise are income under the provisions of this ~~Sub-part~~ Subpart. Receipts treated as accruing at an earlier time are principal.

Revision Comments - 2020

This revision is consistent with prior law but expands the law to address receipts from juridical persons other than corporations. According to general principles of civil law, “[a] juridical person is an entity to which the law attributes personality, such as a corporation or a partnership.” Civil Code Article 24.

§2147. Apportionment of receipts when right to income ceases

Upon the termination of an income interest, the income beneficiary whose interest is terminated, (or his heirs, legatees, or assignees), is entitled to receive any required distributions of or from the following:

(1) Income paid to the trustee but undistributed on the date of termination;

(2) Income due but not paid to the trustee on the date of termination;

(3) Income in the form of periodic payments subject to daily accrual, other than corporate distributions to stockholders periodic payments on account of an interest in a juridical person, not due on the date of termination, accrued from day to day, but accrued prior to the date of termination.

(4) Corporate distributions to stockholders Distributions on account of an interest in a juridical person that are allocated to income under R.S. 9:2149 and that are paid as income after the termination of the interest if the date for determination of stockholders of record those entitled to distribution is a date before the termination of the interest, or, in the event no date is fixed, if the date of declaration of the distribution by the corporation juridical person is a date before termination of the interest.

Revision Comments - 2020

This revision is consistent with prior law but expands the law to address receipts from juridical persons other than corporations. See Civil Code Article 24.

§2148. Succession receipts and expenses

Succession receipts ~~shall be credited~~ and ~~succession expenditures~~ expenses shall be ~~charged~~ allocated to a legacy in trust in accordance with ~~the laws regulating donations mortis causa~~ what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal.

Revision Comments - 2020

(a) This revision changes the law by no longer deferring to the Civil Code regarding the allocation of receipts and expenses for a legacy in trust.

(b) In many cases, information from a succession representative may be helpful to a trustee in making an appropriate allocation between income and principal beneficiaries. In other cases, however, it may be very difficult for a trustee to reconstruct the nature of the expense allocated to the legacy during the succession administration, thus making it impossible for the trustee to reliably allocate the expense within the trust between the income and principal beneficiaries. This provision attempts to provide the trustee with flexibility in allocating receipts and expenses and at the same time achieve consistency with the rules on successions and other provisions of the Louisiana Trust Code. See, e.g., Civil Code Article 1426 and R.S. 9:2151, 2152(A)(4), 2153(A), and 2154(A).

(c) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2149. Corporate distributions Receipts from interests in juridical persons

A. ~~Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.~~

B. ~~Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the trustee became a stockholder or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is~~

pursuant to:

- (1) A call of shares;
- (2) A merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or
- (3) A total or partial liquidation of the corporation, including any distribution that the corporation indicates is a distribution in total or partial liquidation, or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

C. Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

D. All other corporate distributions are income, including cash dividends, distributions of, or rights to subscribe to, shares, securities, or obligations of corporations other than the distributing corporation, and the proceeds of the rights or of the property distributions, except as Sub-sections A, B, or C above provide otherwise.

E. If the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income, except as provided in Sub-sections B and C of this section.

F. A trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this Sub-part concerning the source or character of dividends or distributions of corporate assets.

A. Except as otherwise provided in this Section, a trustee shall allocate to income money received on account of an interest in a juridical person.

B. A trustee shall allocate to principal the following distributions received on account of a trustee's interest in a juridical person:

- (1) Property other than money.
- (2) Money received in one distribution or a series of related distributions in exchange for part or all of a trustee's interest in the juridical person.
- (3) Money received in total or partial liquidation of the juridical person.
- (4) Money received from a regulated investment company or a real estate investment trust if the money distributed is a capital gain dividend for federal income tax purposes.

C. Money is received in partial liquidation to the extent that the juridical person, at or near the time of a distribution, indicates that it is a distribution in partial liquidation. A partial liquidation also occurs if the total amount of money and property received in a distribution or series of related distributions is greater than twenty percent of the juridical person's gross assets, as shown by the juridical person's year-end financial statements immediately preceding the initial receipt.

D. Money is not received in partial liquidation, nor may it be taken into account under Subsection C of this Section, to the extent that it does not exceed the amount of income tax that a trustee or beneficiary must pay on taxable income of the juridical person that distributes the money.

E. Notwithstanding the provisions of this Section, if the receipt is one to which a more specific provision of this Subpart applies, a trustee may allocate the receipt based upon the source or character of the receipt and may rely upon a statement made by the juridical person regarding the source or character of the receipt.

Revision Comments - 2020

(a) This revision is based upon Section 401 of the 1997 version of the Uniform Principal and Income Act. Prior law contained in R.S. 9:2149 and 2150 was adopted verbatim (with the exception of R.S. 9:2149(D)) from the 1962 version of the UPIA. At the time of that Act, the dominant business form was the corporation. Thus, both the UPIA of 1962 and prior Louisiana law made no mention of limited liability companies or other modern business forms. The new UPIA of 1997 retains the same basic principles as the 1962 version but broadens the types of business forms to which the law is applicable. Given the multitude of types of juridical persons, it is not feasible to continue the old schematic that listed the various types of property that would be classified as principal. The 1997 UPIA and this revision classify all non-monetary property as principal and thus include all of the prior categories of property that were classified as principal.

(b) A cash distribution may be large (for example, more than 10% but not more than 20% of a juridical person's assets) and have characteristics that suggest it should be treated as principal rather than income. For example, a juridical person may have received cash from a source other than the conduct of its normal business operations because it sold an investment asset; or it sold a business asset other than one held for sale to customers in the normal course of business and did not replace it; or it borrowed a large sum of money and secured the repayment of the loan with a substantial asset; or a principal source of its cash was from assets such as mineral interests, 90% of which would have been allocated to principal if the trust had owned the assets directly. In such a case the trustee, after considering the total return from the portfolio as a whole and the income component of that return, may decide to exercise the power under R.S. 9:2158 to make an adjustment between income and principal.

(c) Subsection E of this Section provides the trustee with discretion to make an allocation regarding a receipt in accordance with the other provisions of this Section or in accordance with the source of the receipt, provided a more specific rule governs the source of the receipt in this Part. For instance, if the source of the receipt is due to the trustee's interest in a limited liability

company deriving funds from minerals, then the trustee may allocate the receipt in accordance with the provisions of this Section or in accordance with the provisions of R.S. 9:2152. In making the allocation, Subsection E also provides the trustee with the authority to rely upon a statement of the relevant juridical person as to the source of the receipt without requiring the trustee to otherwise ascertain its source.

(d) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2150. Bonds Obligation to pay money

A. Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in Sub-section B below. No provision shall be made for amortization of bond premiums or for accumulation for discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

B. The increment in value of a bond or other obligation for the payment of money payable at a future time in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is income. The increment in value is distributable at the time provided in R.S. 9:1841 through 9:1847, R.S. 9:1891 through 9:1906, and R.S. 9:1961 through 9:1965, from the first principal cash available to the beneficiary who was the income beneficiary at the time of increment. If unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

A. An amount received as interest, whether determined at a fixed, variable, or floating rate, on an obligation to pay money to the trustee, including an amount received in return for prepaying principal, shall be allocated to income without any provision for amortization of premium.

B. A trustee shall allocate to principal an amount received from the sale, redemption, or other disposition of an obligation to pay money to the trustee more than one year after it is purchased or acquired by the trustee, including an obligation whose purchase price or value when it is acquired is less than its value at maturity. If the obligation matures within one year after it is purchased or acquired by the trustee, an amount received in excess of its purchase price or its value when acquired by the trust shall be allocated to income.

C. This Section does not apply to an obligation to which R.S. 9:2151.2, 2152, 2153, or 2154 applies.

Revision Comments - 2020

(a) This revision is based upon Section 406 of the UPIA (1997).

(b) This revision changes the law by providing that the entire increase in value of discount obligations is attributable to principal when the trustee receives the proceeds from the disposition, unless the obligation, when acquired, has a maturity of less than one year.

(c) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2151. Business operations Sole proprietorship

If a trustee uses any part of the principal in the operation of a business of which, as trustee, he is a proprietor or a partner, the proceeds and losses of the business. The receipts and expenses of a sole proprietorship shall be allocated in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal; and in view of the manner in which men of ordinary prudence, discretion, and intelligence would act in the management of their own affairs.

Revision Comments - 2020

(a) This revision modifies existing law to make clear that this provision applies only to a trustee's operation of a sole proprietorship. The operation of other business forms is treated in R.S. 9:2149.

(b) A sole proprietorship is not a separate juridical person in Louisiana, but merely a method of doing business in which an individual personally owns the assets and retains the liabilities of a business. See, e.g., *Robinson v. Heard*, 809 So. 2d 943, 946 (La. 2002) ("A sole proprietorship is not a legal entity. It is merely a designation assigned to a manner of doing business by an individual. While the individual involved in the sole proprietorship may consider the business to be separate and distinct from his/her person, there exists no legal distinction between the individual and the business.").

(c) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2151.1. Insurance contracts

A. A trustee shall allocate to principal the proceeds of a life insurance policy in which the trustee is named as beneficiary.

B. A trustee shall allocate to principal the proceeds of a contract that insures the trustee against loss for damage to, destruction of, or loss of an interest in a trust asset.

C. The trustee shall allocate dividends on an insurance policy to income if the premiums on the policy are paid from income, and to principal if the premiums are paid from principal.

D. A trustee shall allocate to income proceeds of a contract that insures the trustee against loss of occupancy or other use by an income beneficiary, loss of income, or loss of profits from a business.

Revision Comments - 2020

This revision is based upon Section 407 of the UPIA (1997). The term "proceeds," as used in this Section, refers to the insurable benefit under the contract and does not include other payments associated with the benefit,

such as interest.

§2151.2. Deferred compensation, annuities, and similar payments

A. Payments made in money or other property to a trustee over a period of years or during the life of an individual from an annuity, an individual retirement account, an employee-benefit plan, a pension plan, a profit-sharing plan, a deferred compensation plan, or any similar arrangement created pursuant to income-tax incentives to fund for retirement are allocated as follows:

(1) To the extent that a payment is characterized as interest, a dividend, or a payment made in lieu of interest or a dividend, a trustee shall allocate the payment to income. The trustee shall allocate to principal the balance of the payment and any other payment received in the same accounting period that is not characterized as interest, a dividend, or an equivalent payment.

(2) If no part of a payment is characterized as interest, a dividend, or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income ten percent of the part that is required to be made during the accounting period and the balance to principal. If no part of a payment is required to be made or the payment received is the entire amount to which the trustee is entitled, the trustee shall allocate the entire payment to principal. To the extent that a trustee exercises a right of withdrawal, a payment is not considered to be required to be made.

B. If, in order to qualify for a marital deduction, a trustee must allocate more of a payment to income than provided for in this Section, the trustee shall allocate to income the additional amount necessary to qualify for the marital deduction.

Revision Comments - 2020

(a) This provision is based, in part, on Section 409 of the UPIA (1997) and informed by statutes from other states that have modified Section 409 of the UPIA. See, e.g., Mass. Gen. Law. Ann. 203D-18; N. J. Stat. Ann. 3B:19B-17; N. Y. Estate, Prob. & Tr. Law 11-A-4.9; Alaska Rev. Stat. 13.38.690; Hawaii Rev. Stat. 557A-409; Ohio. Rev. Code 5812.32.

(b) This Section applies to amounts received by a trustee under contractual arrangements that provide for payments to a third-party beneficiary as a result of services rendered or property transferred to a payer in exchange for future payments. It applies whether the payments begin when the payment right becomes subject to the trust or are deferred until a future date, and it applies whether payments are made in cash or in kind, such as employer stock. In-kind payments usually will be made in a single distribution that will be allocated to principal under the second sentence of Paragraph (A)(2).

(c) Paragraph (A)(1) applies only to certain types of deferred compensation, phantom stock plans, and similar plans whose terms characterize a payment as dividends or interest. It does not apply to individual retirement accounts and similar arrangements. Paragraph (A)(2) applies to required payments from an IRA or similar arrangement.

(d) Paragraph (A)(2) of this Section differentiates between payments that are required to be made and all other payments. To the extent that a payment is required to be made (either under federal income tax rules, or, in the case of a plan that is not subject to those rules, under the terms of the plan), 10% of the amount received is allocated to income and the balance to principal. The right to receive payments under this Paragraph is a type of liquidating asset and therefore is treated similarly to property subject to depletion under R.S. 9:2154. All other payments are allocated to principal because they represent a change in the form of the principal asset. To that extent, this rule follows the general policy of R.S. 9:2144, which provides that property received in replacement of property shall be allocated to principal.

(e) Under Revenue Ruling 2006-26, the Internal Revenue Service declared that the 10% allocation provided in Section 409 of the UPIA did not qualify for the IRS's safe harbors, as 10% of a required minimum distribution is not a reasonable apportionment of the total return of the trust between income and principal. Under the ruling, the trustee is required to make available to the beneficiary the income of an IRA or defined contribution plan in order to qualify. To comply with the ruling, Section 409 of the UPIA was amended in 2008 to provide separate rules for determining the income of a marital trust that is the beneficiary of an IRA or similar arrangement. This revision simplifies the provisions of the UPIA while, at the same time, allowing the preservation of the marital deduction.

§2152. Proceeds of mineral interests

~~A. If any part of the principal consists of a right to receive royalties or overriding royalties, production from working interests or production payments, proceeds from net profits interests or payments for the right to extract minerals from immovable property, or other interests in oil, gas, and other minerals, the allocation of the proceeds of such interests shall be made as follows:~~

~~(1) If received as a delay rental on a lease, extension of payments on a lease, shut-in royalty, or bonus for the execution of a lease, the proceeds shall be allocated to income;~~

~~(2) If received from a production payment, then to the extent of any stated factor for interest or its equivalent, the proceeds shall be allocated to income; the balance of such proceeds shall be apportioned between principal and income by allocating to principal the fraction thereof that the unrecovered cost of the production payment bears to the remaining balance due upon the production payment (excluding any factor for interest or its equivalent) and by allocating the remainder of such proceeds to income;~~

~~(3) If received from a royalty, overriding royalty, limited royalty, or working interest, net profits interest, or from any other interest in oil, gas, or other minerals, not specifically covered in this section, such proceeds shall be~~

~~allocated to principal until such time as the cost for such interest (including both tangible and intangible drilling cost) has been fully recovered; thereafter, such proceeds shall be apportioned between principal and income so that twenty-seven and one-half percent of the gross proceeds (but not to exceed fifty percent of the net proceeds remaining after payment of all expenses, direct and indirect, computed without allowances for depletion) shall be allocated to a reserve for depletion to be added to principal and the balance of the gross proceeds, after payment therefrom of all expenses, direct and indirect, shall be allocated to income.~~

~~B. This section is not applicable to timber, water, soil, sod, dirt, turf, mosses, shells, gravel, or other natural resources.~~

~~A. To the extent that a trustee accounts for receipts from an interest in mineral rights or other interest in oil, gas, or other minerals pursuant to this Section, the trustee shall allocate them as follows:~~

~~(1) If received as delay rental or annual rent on a mineral lease, a receipt shall be allocated to income.~~

~~(2) If received from a production payment, a receipt shall be allocated to income if and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent. The balance shall be allocated to principal.~~

~~(3) If received as a royalty, overriding royalty, shut-in payment, take-or-pay payment, or bonus, a receipt shall be allocated in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal.~~

~~(4) If an amount is received from a working interest or any other interest not provided for in this Subsection, a receipt shall be allocated in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal.~~

~~B. This Section applies whether or not a decedent or donor was extracting oil, gas, or other minerals before the interest became subject to the trust.~~

~~C. If the trust property includes an interest in mineral rights or other interest in oil, gas, or other minerals on the effective date of this Act, the trustee may allocate receipts from the interest as provided in this Section or in the manner used by the trustee before the effective date of this Act. If the trustee acquires an interest in mineral rights or other interest in oil, gas, or other minerals after the effective date of this Act, the trustee shall allocate receipts from the interest as provided in this Section.~~

~~D. An allocation of a receipt under this Section is presumed to be reasonable and equitable if ninety percent is allocated to principal and ten percent to income. Any other allocation shall not be presumed to be unreasonable or inequitable.~~

~~E. This Section is not applicable to timber, water, soil, sod, dirt, turf, mosses, shells, gravel, or other natural resources.~~

Revision Comments - 2020

(a) This provision is new. It is based upon Texas Property Code Section 116.174 and Section 411 of the UPIA (1997). Unlike the UPIA but like Texas law, this Section allows for allocation of royalty payments associated with oil and gas leases in a manner that is reasonable and equitable. Under Subsection D but unlike the Texas statute, this provision adopts a safe harbor providing that an allocation of ninety percent to principal and ten percent to income is presumed to be reasonable and equitable but at the same time being clear that other allocations are not necessarily unreasonable or inequitable. Prior law allocated the royalty payments associated with oil and gas leases in the amount of 27.5% to principal and 72.5% to income. These percentages have been part of the Trust Code since 1964 and were included at that time because the Internal Revenue Code provided for a 27.5% depletion allowance. At that time, the UPIA of 1962 also provided similarly. The IRC now no longer provides for the 27.5% depletion allowance. As a result, many states have adopted a 90% depletion rate from the 1997 version of the UPIA. See, e.g., Cal. Prob. Code § 16363; Mich. Comp. Laws § 555.811; Colo. Laws. 15-1-421. The rationale for this drastic change is that the old law inappropriately caused a large portion of oil and gas proceeds - 72.5% - to be paid out as income. Over the life of a well, the output would be depleted significantly. Allocating more to principal allows the trustee to obtain other income-producing assets that might still be productive when the minerals are exhausted. The approach adopted by this Section allows the trustee flexibility in the allocation.

(b) Subsection B abolishes the open mines doctrine in trust.

(c) Under Subsection C, the new depletion allowances are made prospectively applicable. For oil and gas interests included in a trust on the effective date of this provision, the trustee has discretion in deciding which method of depletion (i.e., the old or new law) to apply.

(d) Unlike the UPIA and the Texas statute, this provision does not apply to water, timber, gravel, or other natural resources. R.S. 9:2153 and 2154 provide the appropriate rules with respect to timber and other property subject to depletion.

(e) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2153. Timber

~~A. If part of the principal consists of land from which timber may be removed, the receipts from taking the timber from the land shall be allocated in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the manner in which men of ordinary prudence, discretion, and intelligence would act in the management of their own affairs.~~

~~B. An allocation of a receipt under this Section is presumed to be reasonable~~

and equitable if ninety percent is allocated to principal and ten percent to income. Any other allocation shall not be presumed to be unreasonable or inequitable.

Revision Comments - 2020

(a) This revision updates the language but maintains the “reasonable and equitable” standard. Like R.S. 9:2152, Subsection B adopts a safe harbor providing that an allocation of ninety percent to principal and ten percent to income is presumed to be reasonable and equitable but at the same time being clear that other allocations are not necessarily unreasonable or inequitable. It also deletes the “prudent man” rule that existing under prior law because persons of “ordinary prudence, discretion, and intelligence” do not generally consider the interests of successor beneficiaries in managing their own affairs. See, e.g., UPIA (1997) §103, Comment.

(b) This Section is consistent with the principles of Louisiana property law that generally treat trees as capital assets rather than fruits. In some instances, however, trees in a tree farm or in a regularly exploited forest must be treated as fruits. See, e.g., Civil Code Article 551, Comment (b).

(c) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2154. Other property subject to depletion

~~A. Except as provided in R.S. 9:2152 and 9:2153 2153, if the principal consists of property subject to depletion, receipts from the property not in excess of five percent of its inventory value are income, and the balance is principal the receipts shall be allocated in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as those entitled to principal.~~

B. An allocation of a receipt under this Section is presumed to be reasonable and equitable if ninety percent is allocated to principal and ten percent to income. Any other allocation shall not be presumed to be unreasonable or inequitable.

Revision Comments - 2020

(a) This revision updates the law to make the depletion allowance consistent with the “reasonable and equitable” standard in R.S. 9:2153. Like R.S. 9:2152 and 2153, Subsection B adopts a safe harbor providing that an allocation of ninety percent to principal and ten percent to income is presumed to be reasonable and equitable but at the same time being clear that other allocations are not necessarily unreasonable or inequitable.

(b) The Comments that accompanied the 1964 enactment of this provision, which are superseded by the 2020 Revision Comments, appear in Acts 1964, No. 338.

§2156. Charges

A. The following charges shall be made against income:

(1) Ordinary expenses incurred or accrued in connection with the administration, management, or preservation of the trust property;

~~(2) A reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of immovable property used by a beneficiary as a residence;~~

~~(3) One-half of court costs, attorney’s attorney fees, and other fees on periodic accounting, unless the court directs otherwise;~~

~~(4)(3) Court costs, attorney’s attorney fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;~~

~~(5)(4) One-half of the trustee’s regular compensation, whether based on a percentage of principal or income;~~

~~(6)(5) Expenses reasonably incurred by the trustee for the management and application of income;~~

~~(7) A tax levied upon receipts defined as income under this Sub-part or the trust instrument and payable by the trustee;~~

~~(8)(6) Interest accrued on an indebtedness.~~

* * *

C. The following charges shall be made against principal:

(1) Extraordinary expenses incurred or accrued in connection with the administration, management, or preservation of the trust property;

(2) Expenses incurred in making a capital improvement to principal, including special taxes and assessments;

(3) Expenses incurred in investing and reinvesting principal;

(4) One-half of court costs, attorney’s attorney fees, and other fees on periodic accounting, unless the court directs otherwise;

(5) Court costs, attorney’s attorney fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the principal interest, unless the court directs otherwise;

(6) Expenses incurred in maintaining or defending an action to construe the trust or to protect the trust or the trust property;

(7) One-half of the trustee’s regular compensation, whether based on a percentage of principal or income;

(8) All the trustee’s special compensation;

~~(9) A tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the taxing authority;~~

~~(10) The amount of an estate tax apportioned to the trust, including interest and penalties;~~

~~(11)(10) The principal of an indebtedness;~~

~~(12) All other expenses not chargeable to income.~~

* * *

E. Regularly recurring charges shall be apportioned to the same extent and in the same manner that receipts are apportioned under R.S. 9:2145 through 9:2147 2147.

Revision Comments - 2020

This Section deviates from Sections 501, 502, and 504 of the UPIA (1997). Paragraph (A)(2) of the prior law regarding depreciable property has been deleted in favor of a new provision, R.S. 9:2156.1, which is based upon Section 503 of the UPIA. Paragraphs (A)(7) and (C)(9) of the prior law regarding allocation of taxes have been deleted in favor of a new provision, R.S. 9:2156.2. Paragraph (C)(12) of the prior law, which allocated to principal all expenses not otherwise allocated to income, has also been deleted in light of the revision now contained in R.S. 9:2142(3).

§2156.1. Transfers from income to principal for depreciation

A trustee may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation but may not transfer any amount for depreciation during the administration of a succession or for that portion of an immovable used or available for use by a beneficiary as a residence or of corporeal movables held or made available for the personal use or enjoyment of a beneficiary. An amount transferred to principal need not be held as a separate fund.

Revision Comments - 2020

(a) This Section is based upon Section 503 of the UPIA (1997). Under Section 503(a) of the UPIA and this Section, the term “depreciation” means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a fixed asset having a useful life of more than one year.

(b) Under this revision, a transfer to principal for depreciation is discretionary with the trustee. Prior law provided that a charge shall be made against income for “... a reasonable allowance for depreciation under generally accepted accounting principles...” That provision was resisted by many trustees who did not provide for depreciation for a number of reasons. One reason relied upon was that a charge for depreciation was not needed to protect the beneficiaries if the value of the land was increasing; another was that generally accepted accounting principles might not require depreciation to be taken if the property was not part of a business. This revision allows the trustee more flexibility and broader discretion in taking depreciation.

§2156.2. Income taxes

A. A tax required to be paid by a trustee based on receipts allocated to income shall be paid from income.

B. A tax required to be paid by a trustee based on receipts allocated to principal shall be paid from principal, even if the tax is denominated an income tax by the taxing authority.

C. A tax required to be paid by a trustee on the trust’s share of a juridical person’s taxable income shall be paid as follows:

(1) From income to the extent that receipts from the juridical person are allocated only to income.

(2) From principal to the extent that receipts from the juridical person are allocated only to principal.

(3) Proportionately from principal and income to the extent that receipts from the juridical person are allocated to both income and principal.

(4) From principal to the extent that the tax exceeds the total receipts from the juridical person.

D. After applying the provisions of this Section, the trustee shall adjust income or principal receipts to the extent that the trust’s taxes are reduced because the trust receives a deduction for payments made to a beneficiary.

Revision Comments - 2020

(a) This Section is based upon Section 505 of the UPIA (1997).

(b) When trust property includes an interest in a pass-through entity, such as a partnership or S corporation, the trust must report its share of the juridical person’s taxable income regardless of how much the juridical person distributes to the trust. Whether the juridical person distributes more or less than the trust’s tax on its share of the juridical person’s taxable income, the trustee must pay the taxes and allocate them between income and principal.

(c) Subsection C requires the trustee to pay the taxes on its share of a juridical person’s taxable income from income or principal receipts to the extent that receipts from the juridical person are allocable to each. This assures the trust a source of cash to pay some or all of the taxes on its share of the juridical person’s taxable income. Subsection D recognizes that a trust normally receives a deduction for amounts distributed to a beneficiary. Accordingly, Subsection D requires the trustee to increase receipts payable to a beneficiary as determined under Subsection C to the extent the trust’s taxes are reduced by distributing those receipts to the beneficiary.

* * *

SUBPART F. POWER TO MAKE PROPERTY PRODUCTIVE OF INCOME

§2164. Underproductive property

If a marital deduction is allowed for all or part of a trust whose assets consist substantially of property that does not provide the spouse with sufficient income from or use of the trust assets, and if the amounts that the trustee transfers from principal to income under R.S. 9:2158 and distributes to the spouse from principal pursuant to the terms of the trust are insufficient to provide the spouse an interest required to obtain the marital deduction, the spouse may require the trustee to make property productive of income, convert property within a reasonable time, or exercise the power conferred by R.S. 9:2158. The trustee may decide which action or combination of actions to take.

Revision Comments - 2020

(a) This revision is based upon Section 413(a) of the UPIA (1997).

(b) R.S. 9:2127 provides that “[a] trustee’s investment and management decisions are to be evaluated in the context of the trust property as a whole...” The law in prior R.S. 9:2155 gave the income beneficiary a right to receive a portion of the proceeds from the sale of underproductive property as “delayed income.” This provision applied on an asset-by-asset basis and not by taking into consideration the trust portfolio as a whole and thus conflicted with the basic precept in R.S. 9:2127. Moreover, in determining the amount of delayed income, the prior law did not permit the trustee to take into account the extent to which the trustee may have distributed principal to the income beneficiary, under principal invasion provisions in the terms of the trust, to compensate for insufficient income from the unproductive asset. Under R.S. 9:2158, a trustee must consider prior distributions of principal to the income beneficiary in deciding whether and to what extent to exercise the power to adjust.

(c) Although this revision abolishes the right to receive delayed income, it allows an income beneficiary’s right to compel the trustee to make property productive of income. The duty to make property productive of income should be determined by taking into consideration the performance of the portfolio as a whole and the extent to which a trustee makes principal distributions to the income beneficiary under the terms of the trust and adjustments between principal and income under R.S. 9:2158.

(d) Under this revision, once the surviving spouse makes an appropriate demand that the trustee take action, the trustee must decide whether to make property productive of income, convert it, transfer funds from principal to income, or take some combination of those actions.

Section 2. R.S. 9:2155 and 2157 are hereby repealed in their entirety.

Section 3. The existing Comments to R.S. 9:2148 through 2154 are superseded by the Comments appearing beneath those Sections in this Act. The Louisiana State Law Institute is hereby directed to remove the existing Comments and to print only the Comments appearing in this Act.

Section 4. The Louisiana State Law Institute is hereby directed to redesignate Subpart F of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, entitled “THE TRUSTEE’S BOND”, as Subpart G of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, and to retain the heading of this Subpart.

Section 5. The provisions of this Act shall become effective on January 1, 2021. Except as specifically provided in this Act or in the provisions of the trust, the provisions of this Act apply to trusts existing as of the effective date of this Act.

Approved by the Governor, June 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 18

HOUSE BILL NO. 124

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact R.S. 9:1783(A)(3) and 2207, relative to trusts; to provide with respect to who may be a trustee; to provide for the release of a trustee from liability by the beneficiary; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1783(A)(3) and 2207 are hereby amended and reenacted to read as follows:

§1783. Who may be trustee

A. Only the following persons or entities may serve as a trustee of a trust established pursuant to this Code:

* * *

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

* * *

§2207. Relief from liability by beneficiary

A ~~competent~~ beneficiary who is acting with knowledge of the material facts and whose action is not improperly induced by the conduct of a trustee may, by written instrument delivered to a trustee, relieve a trustee from liabilities that otherwise would be imposed upon him. The instrument shall not be effective ~~if it purports to limit a trustee’s liability for improperly advancing money or conveying property to a beneficiary of a spendthrift trust or a trust under which a beneficiary’s right to alienate is restricted, or if it limits prospectively and in general terms a trustee’s liability for breach of the duty of loyalty to a beneficiary, or for breach of trust in bad faith.~~

Revision Comments - 2020

This revision changes the law in two ways. First, it deletes the reference to “competent” beneficiaries, as this provision is not intended to limit authorized representatives of a beneficiary, such as a mandatary, tutor, or curator, from acting on behalf of the beneficiary. Moreover, the term “competent” is not defined by the Louisiana Trust Code and the corresponding concept in the Civil Code is “capacity” rather than “competency.” See, e.g., Civil Code

Articles 27, 1470 through 1477, and 1918. Second, it removes the limitation that prevents a beneficiary from agreeing to limit a trustee’s liability for “improperly advancing money or conveying property” to a beneficiary of a spendthrift trust or a trust with restrictions on the beneficiary’s right to alienate his interest. Even at the time of the enactment of the original provision in 1964, this limitation was controversial. It has been deleted in light of a modern trend not to so limit a beneficiary’s ability to relieve a trustee of liability. See, e.g., Unif. Trust Code § 1009; Restatement (Third) of Trusts § 97.

Approved by the Governor, June 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 19

HOUSE BILL NO. 125

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Articles 897, 1495, and 1505(A) and (B) and Code of Civil Procedure Articles 2952 and 3396.18(A), to enact Civil Code Article 1495.1, and to repeal Part 1 of Chapter 4 of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2401, relative to successions; to modernize terminology; to provide for the calculation of the legitime; to provide for the calculation of the active mass of a succession; to provide for the independent administration of a succession; to provide for the sealing of a detailed descriptive list in a succession without administration; to repeal the Uniform Wills Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 897, 1495, and 1505(A) and (B) are hereby amended and reenacted and Civil Code Article 1495.1 is hereby enacted to read as follows:

Art. 897. Ascendant’s right to inherit immovables donated to descendant.

Ascendants, to the exclusion of all others, inherit the immovables given by them to their children or their descendants of a more remote degree who died without ~~posterity~~ descendants, when these objects are found in the succession.

If these objects have been alienated, and the price is yet due in whole or in part, the ascendants have the right to receive the price. They also succeed to the right of reversion on the happening of any event which the child or descendant may have inserted as a condition in his favor in disposing of those objects.

Revision Comments - 2020

The term “posterity” as used in the first paragraph of Article 897 has been replaced with the term “descendants,” as “posterity” is no longer defined in the Civil Code. Under the Civil Code of 1870, the term “posterity” was defined to mean “all the descendants in the direct line.” Article 3556(24) (1870). It was deleted in 1999.

* * *

Art. 1495. Amount of forced portion and disposable portion

Donations inter vivos and mortis causa may not exceed three-fourths of the property of the donor if he leaves, at his death, one forced heir, and one-half if he leaves, at his death, two or more forced heirs. The portion reserved for the forced heirs is called the forced portion and the remainder is called the disposable portion.

~~Nevertheless, if the fraction that would otherwise be used to calculate the legitime is greater than the fraction of the decedent’s estate to which the forced heir would succeed by intestacy, then the legitime shall be calculated by using the fraction of an intestate successor.~~

Art. 1495.1. Calculation of the legitime

To determine the legitime of a forced heir when all forced heirs are of the first degree, the division of the forced portion is made by heads.

When representation occurs for purposes of forced heirship, the division is made by roots among those qualifying as forced heirs or being represented. Within each root, any subdivision is also made by roots in each branch, with those qualifying as forced heirs by representation taking by heads.

Nevertheless, if the fraction that would otherwise be used to calculate the legitime is greater than the fraction of the decedent’s estate to which the forced heir would succeed by intestacy, then the legitime shall be calculated by using the fraction of an intestate successor.

Revision Comments - 2020

(a) This Article provides a definitive statement as to how to calculate an individual forced heir’s legitime. In that vein, it should be read in conjunction with Article 1495, which provides the method of calculation of the forced portion, i.e., the amount to which all forced heirs are collectively entitled.

(b) The first paragraph of this Article is applicable when all forced heirs are forced heirs of the first degree. When one or more forced heirs is a forced heir by representation, the second paragraph specifies the method by which the legitime is calculated. Both the first and the second paragraphs of this Article are subject to the limitation provided in the third paragraph.

(c) The second paragraph of this Article closes a gap that has long existed in Louisiana law, namely, how to calculate the legitime of a forced heir grandchild. Under this Article, the forced portion is initially calculated by assessing the number of descendants who are forced heirs in their own right

or who are forced heirs by virtue of being represented by their descendants. The legitime is then calculated by roots and within each root by heads, but only among those who qualify as forced heirs by representation. Descendants of those who are treated as forced heirs under this Article but do not themselves qualify as forced heirs by representation are not considered for purposes of calculation of the legitime. By way of example, A may have two predeceased children B and C, neither of whom qualified as a forced heir in his own right. B has a child D, who is a forced heir by representation, and C has three children, E, F, and G, but only E and F qualify as forced heirs by representation. Under this example, the calculation of the forced portion would be made at the generational level of B and C because B and C are both represented by forced heirs although neither B nor C is a forced heir in his own right. Consequently, the forced portion would be 1/2. B's root (or his 1/4 share) would be distributed to D, his child who is a forced heir by representation. C's root (or his 1/4 share) would be divided equally between E and F, but not G, as E and F are the only forced heirs by representation in C's root.

(d) The third paragraph of this Article specifies the limitation commonly known as the Greenlaw rule, which has been moved from Article 1495 to this Article. This revision has not disturbed its applicability in the ordinary case where the legitime share of a forced heir of the first degree is reduced to an intestate share. Rather, this Article clarifies that the Greenlaw rule is also applicable to the share of a forced heir by representation and may, in some instances, serve to reduce the legitime fraction of a forced heir by representation to that of an intestate successor. Whenever the Greenlaw rule applies, the reduction in the fraction used to calculate the legitime of a forced heir correspondingly reduces the overall forced portion to which all of the forced heirs are collectively entitled.

* * *

Art. 1505. Calculation of disposable portion on mass of succession

A. To determine the reduction to which the donations, either inter vivos or mortis causa, are subject, an aggregate is formed of all property belonging to the donor or testator at the time of his death; ~~the sums due by the estate are deducted from this aggregate amount;~~ to that is fictitiously added the property disposed of by donation inter vivos within three years of the date of the donor's death, according to its value at the time of the donation.

B. ~~The sums due by the estate are deducted from this aggregate amount, and the disposable quantum is calculated determined on the balance above calculation,~~ taking into consideration the number of forced heirs.

* * *

Revision Comments - 2020

This revision corrects a mistake that has long existed in Louisiana law regarding the calculation of the mass of the succession for purposes of forced heirship. Paragraph A of the prior version of Article 1505 declared that in ascertaining the reduction to which donations are subject, an aggregate is formed of all of the decedent's property and certain donations inter vivos are fictitiously added. Paragraph B then provided that the "sums due by the estate" were to be subtracted from the aggregate amount formed in Paragraph A. This language was derived from Article 922 of the French Civil Code, which has been characterized as "not clearly express[ing] the intention of the legislation." Aubry & Rau, *Droit Civil Français: Testamentary Successions and Gratuitous Dispositions* § 684 n.15. Specifically, the order of calculation suggested by the prior version of Article 1505 proved problematic in instances in which the value of the property left at death is less than the debts. In such a case, the value of debts must be subtracted prior to adding fictitiously certain donations inter vivos. After all, "the sum [that] the donees are permitted to keep can [not] be affected by the payment of the debts[] because creditors cannot profit by the reduction ..." Id. See also Philippe Malarie et Claude Brenner, *Droit des Successions et des Libéralités* 431 (8th ed. 2018). The current revision makes clear that the proper method of computing the succession mass is to deduct the debts of the succession from the aggregate of the extant property. Only after the "net estate" is calculated does one "fictitiously add[] the property disposed of by donation inter vivos within three years of the date of the donor's death, according to its value at the time of the donation." Article 1505(A). In light of the above, it should also be clear that when the decedent's estate is insolvent and the amount of debts exceeds the assets, the "net estate" is considered to be zero, and the succession mass for forced heirship purposes is based solely upon the donations inter vivos that are fictitiously added back. See Malarie et Brenner, *supra*, at 431.

Section 2. Code of Civil Procedure Articles 2952 and 3396.18(A) are hereby amended and reenacted to read as follows:

Art. 2952. Descriptive list of property, if no inventory

A. If no inventory of the property left by the deceased has been taken, any heir, legatee, or other interested party shall file in the succession proceeding a detailed; descriptive list, sworn to and subscribed by him, of all items of property composing the succession of the deceased, stating the actual cash value of each item at the time of the death of the deceased.

B. The detailed descriptive list shall be sealed upon the request of an heir or legatee.

C. If the detailed descriptive list is sealed, a copy shall be provided to the decedent's universal successors and surviving spouse. Upon motion of any successor, surviving spouse, or creditor of the estate, the court may furnish relevant information contained in the detailed descriptive list regarding assets and liabilities of the estate.

Comments - 2020

This revision extends the procedure adopted in 2017 in the context of

independent administration to successions in which an heir is sent into possession without an administration of the succession. For the reasons explained in the Comments to Article 3396.18, the detailed descriptive list may be filed under seal.

* * *

Art. 3396.18. Inventory or sworn descriptive list

A. Before the succession can be closed, a judgment of possession rendered, and the independent administrator discharged, there ~~must shall~~ be filed an inventory or sworn detailed descriptive list of assets and liabilities of the estate verified by the independent administrator.

* * *

Comments - 2020

This revision clarifies the law by definitively stating that the rendition of a judgment of possession is still necessary even when a succession is independently administered. The 2017 amendments did not intend to repeal the requirement of a judgment of possession, even though independent administrators have "all the rights, powers, authorities, privileges, and duties of a succession representative provided in Chapters 4 through 12" of Title II of Book VI of the Louisiana Code of Civil Procedure. See Article 3395.15. Nothing in this Article affects the rendition of a partial judgment of possession pursuant to Articles 3362 or 3372.

Section 3. Part 1 of Chapter 4 of Title 9 of the Louisiana Revised Statutes of 1950 is hereby repealed in its entirety.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 20

HOUSE BILL NO. 126

BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Civil Code Article 477 and to repeal R.S. 9:2948, relative to bond for deed contracts; to provide for ownership of property for purposes of the homestead exemption; to repeal unconstitutional law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 477 is hereby amended and reenacted to read as follows:

Art. 477. Ownership; content

~~A. Ownership is the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law.~~

~~B. A buyer and occupant of a residence under a bond for deed contract is the owner of the thing for purposes of the homestead exemption granted to other property owners pursuant to Article VII, Section 20(A) of the Constitution of Louisiana. The buyer under a bond for deed contract shall apply for the homestead exemption each year.~~

Section 2. R.S. 9:2948 is hereby repealed in its entirety.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 21

HOUSE BILL NO. 130

BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 51:2377, relative to the Louisiana Small Business and Entrepreneurship Council; to provide for the effective termination date for the council; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2377 is hereby amended and reenacted to read as follows: §2377. Termination of Chapter

The provisions of this Chapter shall terminate on ~~June 30, 2022~~ June 30, 2023, and thereafter shall be null, void, and without effect.

Section 2. This Act shall become effective upon signature of this Act 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 this Act is 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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 22

HOUSE BILL NO. 143
BY REPRESENTATIVE COUSSAN AND SENATOR HENSGENS
AN ACT

To enact R.S. 49:191(12)(b) and to repeal R.S. 49:191(9)(d), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries 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 Wildlife and Fisheries 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 Wildlife and Fisheries 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 Wildlife and Fisheries 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 Wildlife and Fisheries and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(9)(d) 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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 23

HOUSE BILL NO. 144
BY REPRESENTATIVES GREEN AND BAGLEY
AN ACT

To amend and reenact R.S. 13:2582(A) and 2583(A), relative to certain elected officials; to provide relative to the office of justice of the peace; to provide relative to the office of constable; to provide relative to qualifications; to provide for the elimination of the mandatory age limit of justices of the peace and constables; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2582(A) and 2583(A) are hereby amended and reenacted to read as follows:

§2582. Justices of the peace; qualifications; election; term of office; nullity; persons ineligible

A.(4) Each justice of the peace shall be of good moral character, a qualified elector, a resident of the ward and district from which elected, and able to read and write the English language correctly. Each person qualifying for the office of justice of the peace shall possess a high school diploma or its equivalent as determined by the State Board of Elementary and Secondary Education by the date of qualification to run for office in the year 2008. Each shall possess such other qualifications as are provided by law.

~~(2)(a) Beginning in the year 2008, to qualify to run for the office of justice of the peace, a person shall not have attained the age of seventy years by the date of qualification to run for office. A justice of the peace who attains seventy years of age while serving a term of office shall be allowed to complete that term of office. (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to those justices of the peace who are serving as a justice of the peace or elected to the office of justice of the peace on or before August 15, 2006.~~

* * *

§2583. Constables; election; term of office; qualifications

A.(4) There shall be one constable for the court of each justice of the peace in the several parishes of the state, who shall be of good moral character, be able to read and write the English language, possess a high school diploma or its equivalent as determined by the State Board of Elementary and Secondary Education, and be an elector and resident of the ward or district from which elected. However, the requirement of a high school diploma or its equivalent does not apply to any constable who was in office as a constable or elected to the office of constable on or before November 19, 1995, in terms of his qualification to remain in office or to seek reelection to a consecutive term. He shall possess such other qualifications as are provided by law.

~~(2)(a) Beginning in the year 2008, to qualify to run for the office of constable, a person shall not have attained the age of seventy years by the date of qualification to run for office. A constable who attains seventy years of age while serving a term of office shall be allowed to complete that term of office.~~

~~(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to those constables who are serving as a constable or elected to the office of constable on or before August 15, 2006.~~

* * *

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 24

HOUSE BILL NO. 204
BY REPRESENTATIVE JAMES
AN ACT

To amend and reenact R.S. 15:587.1(J), relative to providing of information to protect children; to provide relative to the criminal history record information requested by and provided to a Court Appointed Special Advocate program; to provide relative to the duty of the Louisiana Bureau of Criminal Identification and Information with respect to federal criminal history record information; to provide relative to the program's authority to receive federal criminal history record information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587.1(J) is hereby amended and reenacted to read as follows:

§587.1. Provision of information to protect children

* * *

J.(1) Any Court Appointed Special Advocate program as defined in Children's Code Article 116(2.1) shall be entitled to information from the bureau to ascertain whether a person being considered for involvement with the CASA program has been arrested for, or convicted of, or pled guilty or nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the CASA program, survey its criminal history records and identification files. ~~The Court Appointed Special Advocate program may request the bureau to make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The Louisiana Bureau of Criminal Identification and Information bureau shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled guilty or nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled guilty or nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.~~

(2) When a criminal history records check is requested pursuant to this Subsection, in addition to the requirements set forth in Paragraph (1) of this Subsection, the bureau shall forward the fingerprints of the individual who is the subject of the inquiry to the Federal Bureau of Investigation for a national criminal history records check and shall provide the CASA program with the national criminal history record information of the individual who is the subject of the inquiry.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 25

HOUSE BILL NO. 265
BY REPRESENTATIVE MUSCARELLO

AN ACT

To repeal R.S. 38:1501 and R.S. 51:282, relative to clerks of court; to eliminate requirements for the clerk of court to maintain certain records.

Be it enacted by the Legislature of Louisiana.

Section 1. R.S. 38:1501 and R.S. 51:282 are hereby repealed in their entirety.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 26

HOUSE BILL NO. 288
BY REPRESENTATIVE MINCEY
AN ACT

To amend and reenact R.S. 13:783(D)(1)(a)(iii) and to repeal R.S. 13:783(D)(5), relative to the clerk of court of Livingston Parish; to exempt the clerk of court of Livingston Parish from obtaining consent from the governing authority to purchase an automobile; to remove the limitation on the amount the clerk may use to purchase the automobile; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(D)(1)(a)(iii) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk's office * * *

D.(1)(a) * * *

(iii) The clerks of the district courts in East Feliciana Parish, West Feliciana Parish, Livingston Parish, and St. Landry Parish shall be exempt from obtaining consent from the governing authority to purchase an automobile for office use.

* * *

Section 2. R.S. 13:783(D)(5) is hereby repealed in its entirety.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 27

HOUSE BILL NO. 400
BY REPRESENTATIVE GARY CARTER
AN ACT

To amend and reenact R.S. 13:996.67(D), relative to the imposition of court costs and service charges by the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans; to provide for an extension of time in which to impose such fees and charges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§996.67. Judicial building fund * * *

D. If by August 15, 2021, 2031, neither public bids have been let for construction nor a lease agreement executed for a privately constructed facility for use as a courthouse, then the authority provided in this Section to levy the additional costs and charges shall terminate and be null and void. Thereafter, no costs or charges authorized in this Section shall be imposed or collected. If the authority to levy such costs and charges terminates as set forth herein, all funds collected and deposited in the separate account as provided in this Section shall be used solely for capital improvements to the facility then housing the Civil District Court for the parish of Orleans.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 28

HOUSE BILL NO. 751
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 18:31(A), 106(C)(2)(a), 132(A), 154(C)(1)(f), 421(B), 435(A)(1)(b), 453(B), 463(A)(1)(a) and (c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F), 553(B)(5), 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B), (E)(1), and (K)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D), 1461.7(A)(4), and 1945, to enact R.S. 18:113.1, 115(F)(2)(e), 467.2, and 532.1(C)(4), and to repeal R.S. 18:467.2, relative to

the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to elections procedures and requirements; to provide relative to cybersecurity training; to provide relative to voter registration; to provide relative to assistance in voting; to provide relative to location of registrar of voters office; to provide relative to candidates for public office; to provide relative to voter's rights; to provide relative to watchers; to provide for the content of the notice of candidacy; to provide relative to the establishment of precincts; to provide relative to absentee voting; to provide relative to early voting; to provide relative to certification of early voting commissioners; to provide relative to the preparation of voting machines for an election; to provide relative to extraordinary election expenses; to provide relative to objecting to candidacy and contesting an election; to provide relative to election offense penalties; to provide relative to redistricting plans; to provide relative to compensation of commissioners; to provide relative to withdrawal of candidates; to provide relative to recount and reinspection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:Section 1. R.S. 18:31(A), 106(C)(2)(a), 132(A), 154(C)(1)(f), 421(B), 435(A)(1)(b), 453(B), 463(A)(1)(c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F), 553(B)(5), 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B) and (E)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D), 1461.7(A)(4) and 1945 are hereby amended and reenacted and R.S. 18:113.1 and 532.1(C)(4) are hereby enacted to read as follows:

§31. State voter registration computer system; parish computer system

A.(1) The secretary of state shall establish a state voter registration computer system for the registration of voters throughout the state in accordance with the provisions of this Title.

(2) The secretary of state shall prepare a minimum of one hour of training on cybersecurity for all persons who have user credentials to access the computer network operated or managed by the secretary of state. The secretary of state shall require each such person to complete this training annually in order to maintain credentialed access to the computer network.

* * *

§106. Physical disability; inability to write English; language minority groups; execution of documents; assistance

* * *

C.

* * *

(2) For purposes of this Subsection proof of disability means one of the following:

(a) A certificate of a medical doctor, or optometrist, physician assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying to the irremediable nature of the physical disability.

* * *

§113.1. Denial or cancellation of registration; correction of errors

If a person's registration was denied or cancelled and the registrar of voters determines that the registration was not processed correctly or was cancelled through an error of the registrar of voters, the registrar of voters shall process and approve the registration or correct the error and reinstate the registration.

* * *

§132. Offices furnished registrar; supplies; expenses

A. Except as otherwise provided by law, the governing authority of each parish shall furnish the office space required by law for the registrar and also shall be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of each office necessary to enable the registrar fully to discharge his duties. The parish governing authority shall provide space for the registrar's principal office in the courthouse or in close proximity thereto to a public facility within the parish, and this office shall be accessible and convenient to the residents of the parish. The space to be used for this office shall be specifically designated by the parish governing authority, which shall designate adequate space to enable the registrar to fully discharge his duties. No other official or unit of government shall have authority to designate or allocate such office space. Before the expenses are paid, the registrar shall furnish the head of the parish governing authority a budget of anticipated expenses for each succeeding year.

* * *

§154. Records open to inspection; copying; exceptions

* * *

C.(1) Notwithstanding any provision of this Section to the contrary, the registrar, the clerk of court, the Department of State, the office of motor vehicles of the Department of Public Safety and Corrections and any entity that contracts with the office, each voter registration agency and any entity that contracts with a voter registration agency, and any person who handles the voter registration application form of another person shall be prohibited from circulating on a commercial list or otherwise disclosing the following:

* * *

(f) The electronic mail address of a registered voter, except a registered voter who has qualified as a candidate for public office.

* * *

§421. Secretary of state; first assistant and other employees of the secretary of state

* * *

B. The secretary of state shall develop and print cards of instruction to the

voters' bill of rights posters for voters and commissioners, which shall not be inconsistent with the constitution and laws of the United States or of this state and which shall be approved by the attorney general.

* * *

§435. Watchers; appointment and commission

A.(1)

* * *

(b) In the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector, and the list of watchers shall be signed by the chairman of the state central committee. The list of watchers for ~~an independent or other party~~ a slate of candidates for presidential elector who are not affiliated with a recognized political party shall be signed and filed by any person so authorized by the presidential candidate supported by the slate of electors. A letter of authorization from the presidential candidate, or from an authorized agent of his campaign, shall accompany the list of watchers.

* * *

§453. Dual candidacy

* * *

B. Unexpired and succeeding term of office. A person may become a candidate ~~in a primary or general election for both~~ the unexpired and the succeeding term of an office ~~when both terms are to be filled at the same election.~~

* * *

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties

A.(1)

* * *

(c) When an agent files a notice of candidacy on behalf of a candidate, the agent shall file with the qualifying official an affidavit with the signature of the candidate attesting that the agent has the authorization and consent of the candidate to file the notice.

* * *

§532. Establishment of precincts

* * *

C. Each parish governing authority shall provide and maintain at all times geospatial shape files, if available, and a suitable printed map showing the current geographical boundaries with designation of precincts, and a ~~word~~ correct, written legal description of the precinct geographical boundaries. Each parish governing authority shall send a copy of each map, with description attached, to the registrar of voters and the secretary of state. The map may be composed of one or more sheets but each sheet shall not exceed three feet by four feet. The map shall include all existing roads, streets, railroad tracks, and drainage features but shall not include underground utility lines, land use and zoning symbols or shadings, symbols for vegetation cover, topographic contour lines, and similar items that obscure the basic street pattern and names. All features, names, titles, and symbols on the map shall be clearly shown and legible. The map sheet of the entire parish shall be on a scale of one inch equals one mile to one inch equals two miles. Map sheets of each incorporated place within the parish shall be on a scale of one inch equals eight hundred feet to one inch equals sixteen hundred feet. Each map sheet shall indicate the date of the base map or the date of last revision. Wherever the boundaries of a precinct or incorporated place are coterminous, they shall be clearly indicated as such.

D. The parish governing authority shall also furnish to the registrar of voters and secretary of state geospatial shape files, if available, and a printed map clearly indicating the boundaries of each parish governing authority district, school board district, special election district, representative district, and senate district, and a correct, written legal description of the boundaries.

* * *

§532.1. Changing boundaries

A. The parish governing authority shall have authority, in accordance with this Section, to change the configuration, boundaries, or designation of an election precinct. Any change so determined shall be adopted by ordinance of the parish governing authority. Within fifteen days after adoption of the ordinance, the parish governing authority shall send to the secretary of state a certified copy of the ordinance, a geospatial shape file, if available, and a printed copy of the map showing the new precinct boundaries and designations together with a and a correct, written legal description of such boundaries. The parish governing authority shall comply with the provisions of R.S. 18:1941 when changing precinct boundaries.

* * *

C.

* * *

(4) No precinct boundary change shall become effective for the election unless the information required in this Subsection is received by the secretary of state prior to 4:30 p.m. at least four weeks prior to the date the qualifying period opens.

* * *

D.(1)

* * *

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph to the contrary, if the legislature has completed the reapportionment required by Article III, Section 6 of the Constitution of Louisiana following the latest

federal decennial census and, if required, has received preclearance pursuant to the Voting Rights Act of 1965, the parish governing authority may merge precincts upon the parish governing authority's certifying in writing to the office of the secretary of state that the parish governing authority and all school boards within the parish have completed all redistricting that is required following the latest federal decennial census, if required, have received preclearance pursuant to the Voting Rights Act of 1965, and have received written approval to merge the precincts from the office of the secretary of state.

(i) A certified copy of the ordinance describing such precinct mergers, a correct, written legal description of proposed new precinct boundaries, geospatial shape files, if available, and a printed copy of a map clearly detailing the precinct boundaries within the parish shall be sent to the secretary of the Senate, the clerk of the House of Representatives, the secretary of state, the clerk of court, and the registrar of voters of the parish within fifteen days after the adoption of the ordinance.

* * *

F. Within fifteen days after the adoption of the ordinance as provided in this Section, the parish governing authority shall send to the secretary of the Senate and the clerk of the House of Representatives, the secretary of state, the clerk of court, and the registrar of voters a certified copy of the ordinance, geospatial shape files, if available, and a printed copy of a map showing the new precinct boundaries ~~together with a and a correct,~~ written legal description of such boundaries.

* * *

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

* * *

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

* * *

(5) The commissioners shall post the ~~instructions, voters' bill of rights and~~ informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place, where they shall remain posted throughout the election day.

* * *

§564. Assistance in voting on election day

* * *

D.(1)(a) Prior to receiving assistance pursuant to this Section due to a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

(i) A certificate of a medical doctor, ~~or optometrist,~~ physician assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying to the irremediable nature of the physical disability as proof of disability.

* * *

(2)(a) A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge one of the following as proof of disability:

(i) A ~~physician's~~ physician's certificate of a physician, optometrist, physician's assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 indicating the voter's inability to vote without assistance because of a physical disability.

* * *

(b) The commissioner-in-charge shall place any ~~physician's~~ certificate, statement setting forth the necessity and reasons for assistance, copy of proof of disability, or completed and signed voter assistance form presented by a voter in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

* * *

§573. Evidence of election results

* * *

E. Transmission and disposition of original challenges, duplicate voters' affidavits, and address confirmation cards. (1) At the opening of the voting machines, the sealed precinct registers shall be immediately returned to the registrar of voters. Upon receipt of the sealed precinct registers, the registrar shall remove any attached original record of challenges of voters made during the election, any precinct register correction affidavits, any voter identification affidavits made pursuant to R.S. 18:562, any address confirmation cards, any physical disability affidavits, any ~~physicians'~~ certificates, any copies of disability documentation, and any completed voter registration applications.

* * *

§1303. Persons entitled to vote in compliance with this Chapter

* * *

I. Voters with disabilities. (1) Any qualified voter who submits any of the following to the registrar of voters may vote absentee by mail upon meeting the requirements of this Chapter:

* * *

(c) Current proof of disability from a physician, optometrist, physician assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913.

* * *

§1307.1. Application by person serving on sequestered jury

* * *

B. An application ~~must~~ shall be received by the registrar by noon on the day of the election for which it is requested, and the date received shall be noted thereon by the registrar.

* * *

§1309. Early voting; verification

* * *

B.(1) For the purpose of facilitating early voting, the registrar may designate, in addition to the location for early voting provided in Subsection A of this Section, one branch office wherein early voting may be conducted. Any such branch office shall be located in a public building, and the ~~hours~~ days during which early voting may be conducted therein shall be fixed by the registrar, with the approval of the secretary of state, at least thirty days prior to a primary election and twenty-one days prior to a general election, as provided in Subsection A of this Section, and the registrar shall post at his office adequate notice of the days on which early voting will be held at a branch office. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

(2) The registrar shall provide or post the ~~instructions~~, voters' bill of rights and informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a certified screenshot as a sample ballot in a conspicuous place at the principal entrance to the early voting polling place, where they shall remain posted throughout early voting.

* * *

E.(1) The voter's identity having been established as provided in Subsection D of this Section, the voter shall sign or make his mark prior to voting in the precinct register or early voting ~~list~~ register, ~~kept by the registrar prior to voting~~.

* * *

§1309.1. Preparation of machines for early voting; examination by candidate or his representative; sealing machines

A. At the time of qualifying, the parish custodian shall notify each candidate to contact the registrar of voters for the time and place at which the voting machines will be prepared for early voting. The candidate or his representative may be present to observe the preparation of the machines by the registrar of voters with the assistance of the secretary of state's technicians and to observe the testing and sealing of the machines by the registrar of voters in the presence of the parish board of election supervisors. Each candidate or his representative shall be afforded a reasonable opportunity to view the test vote tape for each machine to see that they are in the proper condition for use in the election, which opportunity shall not be less than thirty minutes beginning at the time designated by the registrar of voters to begin preparation of the machines for sealing. However, no candidate, representative, or citizen shall interfere with the registrar of voters, secretary of state's technicians, parish board of election supervisors, or any employee or technician or assume any of their duties.

B. Each candidate or representative shall identify to the registrar of voters the candidate whom he is representing. In addition, any citizen of this state may be present to observe the preparation, testing, and sealing of the machines by the registrar of voters and the secretary of state's technicians and shall be afforded an opportunity to inspect the test vote tape for each machine to see that they are in proper condition for use for early voting.

C. After the machines have been examined by each candidate, ~~or representative, or citizen who is present, the parish board of election supervisors~~ registrar of voters and secretary of state's technicians shall generate a zero tally to ensure that the voting machine's public counter is set at zero and that no votes have been cast for any candidate or for or against any proposition. The registrar of voters and the parish board of election supervisors shall then seal the voting machine.

D. The registrar of voters and the secretary of state's technicians shall record the public and protective counter numbers for each early voting machine on a form prepared by the secretary of state for use in verifying the early voting results on election day.

* * *

§1309.3. Assistance in voting during early voting

* * *

D.(1)(a) Prior to receiving assistance pursuant to this Section because of a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

(i) A certificate of a medical doctor, ~~or optometrist~~, physician assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying to the irremediable nature of the physical disability as proof of disability.

* * *

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his

representative; securing and sealing machines

A.(1) The secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The qualifying official shall at the time of qualifying provide each candidate in the election with a chronological table of procedures for the election that instructs the candidate to contact the parish custodian for the time and place at which the preparation and testing of the machines will be conducted and when the machines will be sealed and states that the candidate or his representative may be present to observe the preparation; and testing, and sealing of the machines by the parish custodian secretary of state's technicians.

(2) The secretary of state shall prepare the voting machines for the election by placing them in order, inserting the proper ballots, and testing and adjusting the voting machines for the election. A test vote report shall be produced by each machine. In preparing the machines, the secretary of state shall lock out against use on each machine those vote indicators or devices that are not to be used at the election. In preparing and ~~adjusting~~ testing machines, the secretary of state shall use the mechanics and technicians authorized by R.S. 18:1353.

(3) Each candidate or his representative shall be afforded a reasonable opportunity to inspect and review the test vote ~~report~~ of the machines to see that they are in the proper condition for use in the election, which shall not be less than thirty minutes beginning at the time designated by the parish custodian, in conjunction with the secretary of state, to seal the machines.

(4) No candidate, representative, or citizen shall interfere with the secretary of state or any employee or technician or assume any of their duties during the preparation and testing of the voting machines. Each candidate or representative shall identify to the secretary of state and parish custodian the candidate whom he is representing. In addition, any citizen of this state may be present to observe the preparation; and testing, and sealing of the machines by the parish custodian secretary of state's technicians and shall be afforded an opportunity to inspect and review the test vote report of the machines.

(5) After the machines have been prepared and tested by the secretary of ~~state~~ state's technicians and examined by each candidate or representative, citizen, or parish board member who is present, the parish ~~custodian~~ board shall ~~enclose~~ confirm the enclosure of the registration books or lists and other paraphernalia and shall forthwith seal each machine with a numbered seal. At that time, the parish custodian, in the presence of the candidates or their representatives, parish board members, and any citizens who are present, shall certify to the numbers of the machines, that all of the public counters are set at zero, and as to the number registered on the protective counter of the machine.

* * *

§1400.3. Election expenses incurred by clerks of court and registrars of voters; payment by secretary of state; payment by governing authorities

* * *

D. For the purposes of this Section, "election expenses incurred by registrars of voters" is defined and limited to the following:

* * *

(4) Expenses of an extraordinary nature incurred by a registrar of voters for an election which have received prior approval of the secretary of state or his designee.

* * *

E. For the purposes of this Section, "election expenses incurred by clerks of court" is defined and limited to the following:

* * *

(4) Expenses of an extraordinary nature incurred by a clerk of court for an election which have received prior approval of the secretary of state or his designee.

* * *

§1402. Proper parties

A. The following persons are the proper parties against whom actions objecting to candidacy shall be instituted:

(1) The person whose candidacy is objected to.

(2) ~~The official, in his official capacity, before whom the person whose candidacy is objected to had qualified. The clerk of court, in his official capacity, if the candidate qualified with the clerk of court.~~

(3) The secretary of state, in his official capacity, if the candidate qualified with the secretary of state.

* * *

§1406. Petition; answer; notification

* * *

D. The clerk of court shall immediately notify the secretary of state by telephone and by written notice sent by ~~certified electronic mail~~ or facsimile when an action objecting to the calling of a special election, objecting to candidacy, contesting the certification of a recall petition, or contesting an election has been filed.

* * *

§1461.7. Miscellaneous election offenses; penalties

A. No person shall knowingly, willfully, or intentionally:

* * *

(4) Being a physician, optometrist, physician assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certify to the disability of a voter under this Title or certify that a person will be hospitalized on election day, knowing such information to be false.

* * *

§1945. Submission of redistricting plans to the secretary of state; required format

A. If a local governing body utilizes a geographic information system to develop its redistricting plan, the local governing body shall submit an electronic shapefile which reflects its redistricting plan to the secretary of state within ten business days of its adoption of the redistricting plan.

B. If a local governing body is unable to submit an electronic shapefile, the local governing body shall submit an ASCII, comma delimited block equivalency import file which indicates the census block assignments in accordance with its redistricting plan to the secretary of state within ten business days of its adoption of the redistricting plan.

C. No redistricting plan shall be implemented unless the information required in Subsection A or B of this Section is received by the secretary of state prior to 4:30 p.m. four weeks prior to the date the qualifying period opens.

D. For the purposes of this Section, "local governing body" shall include each parish governing authority, municipal governing authority, and school board.

Section 2. R.S. 18:463(A)(1) is hereby amended and reenacted and R.S. 18:115(F)(2)(e) is hereby enacted to read as follows:

§115. Registration by mail

* * *

F.

* * *

(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

* * *

(e) A person who was registered to vote in another parish and previously voted in the other parish.

* * *

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties

A.(1)(a) A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, his telephone number, his electronic mail address if available, and the parish, ward, and precinct where he is registered to vote. The candidate shall list on the notice of candidacy the name of the political party if he is registered as being affiliated with a recognized political party, "other" if he is registered as being affiliated with a political party that is not a recognized political party, or "no party" or an abbreviation thereof if he is registered with no political party affiliation. No candidate shall change or add his political party designation, for purposes of printing on the election ballot as required by R.S. 18:551(D), after he has qualified for the election.

* * *

Section 3. R.S. 18:1309(K)(1) is hereby amended and reenacted to read as follows:

§1309. Early voting; verification

* * *

~~K.(1) Only a certified commissioner may be selected to serve as an early voting commissioner. A person may serve as an early voting commissioner only if he has received a certificate of instruction as provided in R.S. 18:431(A) and has attended a course of instruction for early voting commissioners and received a certificate of instruction from the registrar of voters.~~

* * *

Section 4. R.S. 18:467.2 is hereby enacted to read as follows:

§467.2. Opening of qualifying period; exception

Notwithstanding the provisions of R.S. 18:467(2), the qualifying period for candidates in the 2020 congressional primary election and those in any special primary election to be held at the same time, shall open on the fourth Wednesday in July.

Section 5. R.S. 18:467.2 is hereby repealed in its entirety.

Section 6(A). Section 1, Section 4, and this Section of this Act shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, Section 1, Section 4, and this Section of this Act shall become effective on the day following such approval.

(B) Section 2 of this Act shall become effective on February 1, 2021.

(C) Section 3 of this Act shall become effective on January 1, 2022.

(D) Section 5 of this Act shall become effective on December 31, 2020.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 29

SENATE BILL NO. 3
BY SENATOR ALLAIN
AN ACT

To enact R.S. 11:411(14) and (15), relative to the Louisiana State Employees' Retirement System; to provide for system membership; to provide for an

effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:411(14) and (15) are hereby enacted to read as follows:

§411. Eligibility for membership

The membership of this system shall be as follows:

* * *

(14) Employees of the Berwick Housing Authority.

(15) Employees of the Morgan City Housing Authority.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. Following the effective date of this Act, the boards of the Berwick Housing Authority and the Morgan City Housing Authority may each adopt a resolution declaring the authority to be a participating employer in the Louisiana State Employees' Retirement System. Such resolution shall be adopted on or before September 30, 2020, and the executive director of the system shall be provided with a copy of such resolution. Contributions to the system and accrual of benefits shall begin with the first pay period following the system's receipt of the resolution. If either board fails to adopt a resolution on or before September 30, 2020, the provisions of this Act shall be null and void relative to the authority governed by a board failing to adopt a resolution.

Section 4. 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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 30

SENATE BILL NO. 5
BY SENATOR PRICE
AN ACT

To amend and reenact the introductory paragraph of R.S. 11:1823 and to enact R.S. 11:1823(23), relative to the Municipal Employees' Retirement System's board responsibilities, powers, and duties; to authorize certain monthly deductions from benefit payments; to provide for the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 11:1823 is hereby amended and reenacted and R.S. 11:1823(23) is hereby enacted to read as follows:

§1823. Board responsibilities; powers and duties

Each board member shall discharge his fiduciary duties solely in the interest of the system's members and beneficiaries and for the exclusive purpose of providing benefits to the members and their beneficiaries, and defraying reasonable expenses of administering the system, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The board shall have the following powers and duties in administering the system:

* * *

(23) To deduct monthly life and health insurance premiums from the benefits payable to any retiree or other beneficiary and to transmit them to the agency to which the premiums are due. The board shall have full authority to formulate and promulgate any and all necessary rules and regulations to facilitate these deductions, including but not limited to requirements for written documentation for deductions.

Section 2. 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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 31

SENATE BILL NO. 6
BY SENATOR PRICE
AN ACT

To amend and reenact R.S. 11:1759(D), relative to the Municipal Employees' Retirement System; to provide for clarification of terminology; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1759(D) is hereby amended and reenacted to read as follows:

§1759. Return of accumulated contributions

* * *

D. However, refunds of accumulated contributions shall not be required to be made to the member or to his estate until and unless the member has been out of service with **terminated from** a participating municipality for thirty days and until all contributions for said member have been submitted by the member's employer.

Section 2. 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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 32

SENATE BILL NO. 32
BY SENATOR CONNICK
AN ACT

To amend and reenact R.S. 14:42.1(B), relative to the crime of second degree rape; to provide that any sentence of imprisonment upon conviction of second degree rape is to be without benefit of probation, parole, or suspension of sentence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:42.1(B) is hereby amended and reenacted to read as follows:

§42.1. Second degree rape

* * *

B. Whoever commits the crime of second degree rape shall be imprisoned at hard labor, **without benefit of probation, parole, or suspension of sentence**, for not less than five nor more than forty years. ~~At least two years of the sentence imposed shall be without benefit of probation, parole, or suspension of sentence.~~

* * *

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 33

SENATE BILL NO. 33
BY SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 47:120.37(B) and to enact R.S. 47:120.141(D), relative to donations of refunds; to provide for such donations to Dreams Come True, Inc.; to provide an exception to removal of certain refund donations from the tax return; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:120.37(B) is hereby amended and reenacted and R.S. 47:120.141(D) is hereby enacted to read as follows:

§120.37. Refund designation on tax form

* * *

B. Except as provided in R.S. 47:120.131 **and 120.141**, when the total amount of tax refunds donated to any donee is less than ten thousand dollars per year for two consecutive years, designation of such donee shall be removed from the income tax form.

* * *

§120.141. Income tax checkoff; donation for Dreams Come True, Inc.

* * *

D. Notwithstanding the provisions of R.S. 47:120.37(B), the donation provided for in this Section shall not be removed from the individual income tax return. The provisions of this Subsection shall expire on January 1, 2024.

Section 2. The provisions of this Act shall be applicable to taxable years beginning on or after January 1, 2020.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 34

SENATE BILL NO. 53
BY SENATOR MCMATH
AN ACT

To amend and reenact R.S. 40:2008.10(A)(1)(b) and (2), relative to the Louisiana Department of Health; to make technical corrections to provisions for

licensing of therapeutic group homes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2008.10(A)(1)(b) and (2) are hereby amended and reenacted to read as follows:

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

A.(1)(a)

* * *

(b) This Section shall not apply to contractors and other individuals providing a service at the therapeutic group home who are not employees, volunteers, interns, or contracted members of the ~~state staff~~ of the therapeutic group home, including but not limited to plumbers, landscapers, or visiting resources.

(2) The Louisiana Department of Health shall request, consistent with the provisions of ~~R.S. 15:587.2~~ **R.S. 15:587.1.2**, from the Bureau of Criminal Identification and Information, information concerning whether or not any of the persons listed in Paragraph (1) of this Subsection has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

* * *

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 35

SENATE BILL NO. 173
BY SENATOR BERNARD
AN ACT

To amend and reenact R.S. 18:503 and to enact R.S. 18:503.1, relative to the withdrawal or disqualification of candidates or cancellation of a proposition; to provide for proper notice of withdrawal or disqualification if candidate's name is on the ballot; to provide for notice of cancellation of a proposition; to provide relative to the secretary of state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:503 is hereby amended and reenacted and R.S. 18:503.1 is hereby enacted to read as follows:

§503. Notice of withdrawal and disqualification

A.(1) If the early voting election ballot was prepared with a withdrawn candidate's name on it, the registrar of voters of any parish where such ballot will be used shall, to the extent possible **and upon direction of the secretary of state**, cause notice to be posted of the withdrawal of such candidate at any location for early voting where the candidate's name appears on the ballot. Failure to post such notice of withdrawal shall not void the election.

(2) If the early voting election ballot was prepared with the name of a candidate who has been disqualified by final judgment of a court prior to the close of early voting for the election, the registrar of voters of any parish where such ballot will be used shall, to the extent possible **and upon direction of the secretary of state**, cause notice to be posted of the disqualification of the candidate at any location for early voting where the candidate's name appears on the ballot. Failure to post such notice of disqualification shall not void the election.

B.(1) If the election ballot was printed with a withdrawn candidate's name on it, the clerk of court of any parish where such ballot will be used shall, to the extent possible **and upon direction of the secretary of state**, cause notice to be posted of the withdrawal of such candidate at any polling place where the candidate's name appears on the ballot. Such notice shall be posted or placed adjacent to the precinct register so that it is clearly visible. The notice shall be capitalized and in bold typed print of not less than fourteen-point font. Failure to post such notice of withdrawal shall not void the election.

(2) If the election ballot was printed with the name of a candidate who has been disqualified by a final judgment of a court, the clerk of court of any parish where such ballot will be used shall, to the extent possible **and upon direction of the secretary of state**, cause notice to be posted of the disqualification of such candidate at any polling place where the candidate's name appears on the ballot. Such notice shall be posted or placed adjacent to the precinct register so that it is clearly visible. The notice shall be capitalized and in bold typed print of not less than fourteen-point font. Failure to post such notice of disqualification shall not void the election.

§503.1. Notice of cancellation of proposition

A.(1) If the early voting election ballot was prepared with a proposition that has been canceled, the registrar of voters of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the cancellation of the proposition at any location for early voting where the proposition appears on the ballot.

(2) If the election ballot was printed with a proposition that has been canceled, the clerk of court of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the cancellation of the proposition at any polling place where the proposition appears on the ballot. Such notice shall be posted or placed adjacent to the precinct register so that it is clearly visible. The notice shall be capitalized and in bold typed print of not less than fourteen-point font.

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 36

SENATE BILL NO. 174
BY SENATOR BERNARD
AN ACT

To amend and reenact R.S. 22:1063(C), 1068(B)(2), 1074(B)(2), 1091(B)(9), 1092(I), and the introductory paragraph of R.S. 22:2401, relative to health insurance; to make technical changes in references to federal law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1063(C), 1068(B)(2), 1074(B)(2), 1091(B)(9), 1092(I), and the introductory paragraph of R.S. 22:2401 are hereby amended and reenacted to read as follows:

§1063. Prohibiting discrimination against individual participants and beneficiaries based on health status

* * *
C. A health insurance issuer offering group health insurance coverage shall not rescind such coverage with respect to an enrollee or insured once the enrollee or insured is covered under such coverage involved, except that this Subsection shall not apply to an enrollee or insured who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact. Such coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by shall comply with any applicable federal law or regulation pursuant to 42 U.S.C.A. Section 300gg-12, (Public Health Services Act). The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance.

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

* * *
B. A health insurance issuer may non-renew or discontinue health insurance coverage offered in connection with a group health plan in the small or large group market based only on one or more of the following:

(2) The plan sponsor has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact. Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by shall comply with any applicable federal law or regulation pursuant to 42 U.S.C. A. Section 300gg-12, (Public Health Services Act). The provisions of this Paragraph shall not apply to limited benefit health insurance policies or contracts authorized to be issued in this state. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance.

* * *
§1074. Guaranteed renewability of individual health insurance coverage

* * *
B. A health insurance issuer may non-renew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

(2) The individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact. Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by shall comply with any applicable federal law or regulation pursuant to 42 U.S.C. Section 300gg-12, (Public Health Services Act). The provisions of this Paragraph shall not apply to limited benefit health insurance policies or contracts authorized to be issued in this state. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance.

§1091. Health insurance plans subject to rate review

* * *
B. As used in this Subpart, the following terms shall have the meanings ascribed to them in this Section:

* * *
(9) "Index rate" means the average rate resulting from the estimated combined claims experience for all Essential Health Benefits, pursuant to 42 U.S.C. 18022, Section 1302(b) of the Patient Protection and Affordable Care Act, of all nontransitional and nongrandfathered health plan coverage within a health insurance issuer's single, statewide risk pool in the individual market and within a health insurance issuer's single, statewide risk pool in the small group market, with a separate index rate being calculated for each market. Health insurance issuers may make any market-wide and plan- or product-specific adjustments to an index rate as permitted or as required by federal law, rules, or regulations. **In the event this rate cannot be determined by reference to 42 U.S.C. 18022, Section 1302(b) of the Patient Protection and Affordable Care Act, the commissioner of insurance shall promulgate rules pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., to define a substantially similar alternative.**

* * *
§1092. Health insurance issuers; rate filings and rate increases

* * *
I. For any rate increase that meets or exceeds the federal review threshold, the department shall post a notice of final determination on its website and undertake any other actions necessary pursuant to ~~Section 2794 of the Public Health Service Act~~ **federal law.**

* * *
§2401. Requirements of federal laws and regulations; minimum requirements
Health insurance issuers shall implement effective processes for appeals of coverage determinations and claims pursuant to ~~Section 2719 of the Public Health Service Act (42 U.S.C. 300gg-19) and any federal regulations promulgated pursuant thereto by the United States Department of Labor and the United States Department of Health and Human Services.~~ **The processes shall comply with any applicable federal law or regulation.** Under such processes, a health insurance issuer shall, at a minimum:

* * *
Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 37

SENATE BILL NO. 186
BY SENATOR HARRIS
AN ACT

To amend and reenact R.S. 13:2492 and 2495, relative to courts; to provide relative to the Municipal and Traffic Court of New Orleans; to provide relative to judgeships, divisions, clerks, procedures, terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2492 and 2495 are hereby amended and reenacted to read as follows:

§2492. Number of judges; qualifications; election; salary; vacation
A. ~~The Municipal and Traffic Court of New Orleans shall consist of eight judges, all of whom must be attorneys-at-law, who shall be elected by the qualified electors of the parish of Orleans. They shall not be less than thirty years of age. Each shall have practiced law in the state for at least eight years preceding his election and shall be domiciled in the parish of Orleans for at least two years prior to his election.~~

(1) ~~Each of the eight judges shall preside over separate and distinct divisions of the court.~~

(2) ~~The divisions provided for in Paragraph (1) of this Subsection shall be designated alphabetically as Division "A", Division "B", Division "C", Division "D", Division "E", Division "F", Division "G", and Division "H".~~

The Municipal and Traffic Court of New Orleans shall consist of eight judgeships through December 31, 2020. Thereafter it shall consist of seven judgeships.

(2) **Each judge shall be an attorney at law elected by the qualified electors of the parish of Orleans. Each judge shall not be less than thirty years of age. Each judge shall have practiced law in the state for at least eight years preceding his election and shall be domiciled in the parish of Orleans for at least two years prior to his election.**

(3) **Each judge shall preside over a separate and distinct division of the court.**

(4) **Through December 31, 2020, the divisions of the court shall be designated alphabetically as Division "A", Division "B", Division "C", Division "D", Division "E", Division "F", Division "G", and Division "H".**

(5) **Division "H" and the judgeship for Division H shall be abolished December 31, 2020, effective at midnight. The other divisions shall remain unchanged as previously designated Divisions "A" through "G".**

(6) **A vacancy in Divisions "A" through "G" shall be filled by election to that division as provided in this Section.**

(3)(7)(a) ~~The judges presiding over Divisions A through D~~ **E** shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. The judges assigned to Divisions A through ~~D~~

E shall receive a salary equal to a district judge but not more than the salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(b)(i)(aa) Beginning at midnight on December 31, 2022, the judge presiding over Division E shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation.

(bb) Beginning at midnight on December 31, 2023, the judge presiding over Division F shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. **He shall receive a salary equal to a district judge but not more than the salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.**

(cc)(c) Beginning at midnight on December 31, 2024 2030, the judge presiding over Division G shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. **He shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.**

(ii) Beginning on the applicable date as provided in Item (i) of this Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(4) Effective on January 1, 2017, and thereafter, the following shall occur: the judge serving in Municipal Court Division A shall transfer to Division A of the Municipal and Traffic Court of New Orleans; the judge serving in Municipal Court Division B shall transfer to Division E of the Municipal and Traffic Court of New Orleans; the judge serving Division C of Municipal Court shall transfer to Division C of the Municipal and Traffic Court of New Orleans; the judge serving in Division D of Municipal Court shall transfer to Division F of the Municipal and Traffic Court of New Orleans; the judge serving Division A of Traffic Court shall transfer to Division H of the Municipal and Traffic Court of New Orleans; the judge serving in Division B of Traffic Court shall transfer to Division B of Municipal and Traffic Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer to Division D of the Municipal and Traffic Court of New Orleans; and the judge serving in Division D of Traffic Court shall transfer to Division G of Municipal and Traffic Court of New Orleans.

(5)(a) Effective at midnight on December 31, 2020, the judgeship created for Division H of the Municipal and Traffic Court of New Orleans shall be abolished. If a vacancy by death, resignation, retirement, or removal occurs in any other division of the Municipal and Traffic Court of New Orleans prior to December 31, 2020, the judgeship in that division shall be abolished instead of the judgeship in Division H.

(b) Upon abolishment of the judgeship in Division H or the judgeship that becomes vacant by death, resignation, retirement or removal as provided by the provisions of this Section, all cases of the abolished section of court shall be reallocated equally by the clerk of court among the remaining sections of the court.

B. Each of the judges shall be elected for an eight-year term at the regular congressional election held immediately preceding the expiration of such term. Every term shall expire on December thirty-first of the last year thereof. Any vacancy in the court for any cause where the unexpired term is less than one year shall be filled temporarily by appointment by the Louisiana Supreme Court until the next succeeding congressional election, at which time such vacancy shall be filled for the remainder of the unexpired term by election. All judges so elected shall take their office on the first day of January following their election.

C. ~~Each of the judges shall receive a salary of not less than eighteen thousand dollars per annum, payable monthly by the city of New Orleans on his own warrant.~~

~~D. Each of the judges of the Municipal and Traffic Court of New Orleans shall have annual vacation not to exceed thirty days, the time to be fixed by the rules of the court.~~

~~E.D. Whenever any of the judges are temporarily absent because of court business, illness, or while on vacation, a judge ad hoc may be selected pursuant to the rules of the Louisiana Supreme Court to serve during the period of such temporary absence. The judge ad hoc shall have the qualifications for election to the office, and his compensation shall be determined by the judges en banc and shall be payable by the city of New Orleans pursuant to warrant of the judge who is temporarily absent.~~

~~F.E. The judge of the Municipal and Traffic Court of New Orleans having the most seniority shall become the administrative judge during his tenure of office and shall not engage in the practice of law or share in the profits, directly or indirectly, of any law firm or legal corporation. The administrative judge of the Municipal and Traffic Court of New Orleans shall possess the same qualifications that are required of district court judges, and shall receive a salary equal to the salary paid, from all sources, to the district court~~

judges in and for the parish of Orleans. The governing authority of Orleans Parish shall determine the salary paid to the administrative judge, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. **He shall receive a salary equal to a district judge but not more than the salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans.** The salary of the administrative judge shall be payable monthly on his own warrant. Should the senior judge decline the position of administrative judge then the judges of the municipal and traffic court, sitting en banc, shall choose a judge to assume the position.

* * *

§2495. Clerk of court

A. There shall be one clerk of the Municipal and Traffic Court of New Orleans who shall be appointed by the judges thereof and shall be subject to removal by a majority of the judges of the court, at will. The court shall adopt such rules and regulations governing the functions, duties, operation, and procedure of the clerk's office as may be necessary.

B. ~~The salary of the clerk of the municipal and traffic court shall be determined and set by the judges of the court en banc. The salary shall be the same and shall be paid from the consolidated judicial expense fund of the court. The salary and benefits of the clerk shall be paid by the city of New Orleans on the warrant of the administrative judge. If the city fails to pay the salary and benefits, they may be paid from the consolidated judicial expense fund of the court.~~

C. The clerk shall retain all of the benefits of its office, including but not limited to hospitalization coverage, retirement benefits, insurance benefits, and sick and annual leave benefits, and it shall be paid through the payroll system utilized by the city of New Orleans for its other employees.

~~D. The clerk shall continue to be paid under the current method used by the city of New Orleans until otherwise notified by the judges of the municipal and traffic court.~~

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 38

SENATE BILL NO. 209
BY SENATOR MORRIS
AN ACT

To amend and reenact the introductory paragraph of R.S. 33:2491, (E), and (I), 2492(1), (2), and (11), 2494(A) and (D), the introductory paragraph of 2551, (5), and (9), 2552(1), (2), and (11), 2553(C), and 2554(A) and (D), relative to in-service training for certain public employees; to provide for the development and implementation of an online testing program for prospective police officers and firefighters by the office of the state examiner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 33:2491, (E), and (I), 2492(1), (2), and (11), 2494(A) and (D), the introductory paragraph of 2551, (5), and (9), 2552(1), (2), and (11), 2553(C), and 2554(A) and (D) are hereby amended and reenacted to read as follows:

§2491. Establishment and maintenance of employment lists

Except for the positions of entrance firefighter and entrance police officer, the board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

* * *

E. Any person whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces of the United States of America during the times of war, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board **or the state examiner** in any manner it deems advisable.

* * *

I. (1) For purposes of entrance firefighter and entrance police officer positions, the state examiner shall establish and maintain a statewide eligibility list containing names of persons eligible for appointment to these classes by any municipality, parish, or fire protection district under the municipal fire and police civil service system.

~~(2) A person who has attained a passing score on an examination administered by the state examiner for entrance police officer, entrance firefighter, entrance jailer, secretary to the chief, departmental records~~

clerk, or for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police services is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district under the Municipal Fire and Police Civil Service System, provided the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. In order that his name may be placed upon the employment eligibility list, a person shall be required to meet the minimum qualifications adopted as rules of the respective civil service board, as if making original application for admission to the test. The eligibility of such an applicant shall not continue past the date on which his original eligibility expired.

§2492. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

(1)(a) The board shall provide through the state examiner for promotional or competitive tests. Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (i) class of positions for which tests will be given, (ii) whether the tests will be given on a promotional or competitive basis, and (iii) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of ~~thirty~~ **ten** days preceding the date for administering the tests.

(b) In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published ~~at least four times during the thirty-day period in the official journal of the municipality on the state examiner's website and the municipality's website, if available, during the ten-day period~~ in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe.

(2)(a) For the entrance firefighter and the entrance police officer testing, the state examiner shall publish notice on his website for ten-day notice of the location for where such tests are to be held and the final date on which applications for admission to the test will be received. This notice of examination shall reveal the exact date on which the test shall be administered. However, all applicants shall be advised of the time and place to report for an announced test at least five days in advance in any manner the state examiner may prescribe. The state examiner shall provide for online entrance firefighter and entrance police testing as provided for in this Section by Fiscal Year 2022.

(b) As may be necessary from time to time, the state examiner may call for and administer examinations for the entrance classifications of firefighter, police officer, ~~secretary to the chief, departmental records clerk, jailer, and for the entrance classes for positions of which the operation and maintenance of a radio, alarm, or signal system for the fire or police service is the primary duty.~~ Tests may be administered at the discretion of the state examiner in any municipality, parish, or fire protection district to which this Part applies. Official notification shall not be made to the extent required under Paragraph (1) of this Section; however, public notice shall be published at least four times during a thirty-day period in the official journal of the state of Louisiana and may be posted on the bulletin board in each station of the respective department. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the state examiner may prescribe.

* * *

(11) Each applicant who makes a passing score on a test administered by the state examiner under the provisions of Paragraph (2) of this Section shall be advised, in any manner the state examiner prescribes, of his final score. **Except for the positions of entrance firefighter and entrance police officer,** Such score may be reported and approved by the board under the provisions of R.S. 33:2491(D). The original eligibility of an applicant under the provisions of this Paragraph shall be the period of not more than eighteen months after the date on which the signature of the state examiner was affixed to his notification of score.

* * *

§2494. Certification and appointment

A.(1) Except for the positions of entrance firefighter and entrance police officer, Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board shall thereupon certify in writing the names of eligible persons from the appropriate employment list, and the appointing authority shall, if he fills the vacancy, make the appointment as provided by this Section.

(2) Whenever the appointing authority proposes to fill a vacancy in entrance level firefighter and entrance level police officer, he shall request the state examiner to certify names of persons eligible for appointments to the vacant position. The state examiner shall certify in writing the names of eligible persons from the appropriate list, and the appointing authority shall, if he fills the vacancy, make the appointment as provided by this Section.

* * *

D. Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by ~~R.S. 33:2492(E)~~ **R.S. 33:2492.** Upon the appointing authority's request for the certification of eligible persons from which he may

fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board **or the state examiner** shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled, any one of the persons so certified to him for the vacancy. **In making appointments to entrance firefighter and entrance police officer, the appointing authority shall verify the applicant meets the minimum qualifications as established by the board.** Additionally, ~~in~~ making such appointment to entry-level positions, the appointing authority shall give a preference to Louisiana residents. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint any one of the remaining persons certified by the board **or the state examiner**. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.

* * *

§2551. Establishment and maintenance of employment lists

Except for the positions of entrance firefighter and entrance police officer, The board shall establish and maintain lists containing names of persons eligible for appointment to the various classes of positions in the classified service as follows:

* * *

(5) Any person whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces of the United States of America during time of war, and who has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board **or state examiner** in any manner it deems advisable.

* * *

(9)(a) For purposes of entry level firefighter and entry level police officer positions, the state examiner shall establish and maintain a statewide eligibility list containing the names of persons eligible for appointment to these classes by any municipality, parish, or fire protection district under the municipal fire and police civil service system.

(b) A person who has attained a passing score on an examination administered by the state examiner for entrance police officer, entrance firefighter, entrance jailer, secretary to the chief, departmental records clerk, or for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police services is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district under the Municipal Fire and Police Civil Service System, provided the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. In order that his name may be placed upon the employment eligibility list, a person shall be required to meet the minimum qualifications adopted as rules of the respective civil service board, as if making original application for admission to the test. The eligibility of such an applicant shall not continue past the date on which his original eligibility expired.

* * *

§2552. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

(1)(a) **Except for entrance firefighter and entrance police officer,** The board shall provide through the state examiner for promotional or competitive tests. Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (i) class of positions for which tests will be given, (ii) whether the tests will be given on a promotional or competitive basis, and (iii) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of ~~thirty~~ **ten** days preceding the date for administering the tests.

(b) In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published ~~at least four times during the thirty-day period in the official journal of the municipality, parish, or fire protection district, as the case may be, during the ten-day period on the state examiner's website and the municipality, parish, or fire protection district's website, if available,~~ in which such tests are to be held. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe.

(c) For the entrance firefighter and the entrance police officer testing, the state examiner shall publish notice on his website for ten-day notice of the location for where such tests are to be held and the final date on which applications for admission to the test will be received. This notice of examination shall reveal the exact date on which the test shall be administered. However, all applicants shall be advised of the place and time to report for an announced test at least five days in advance in any manner the state examiner may prescribe. The state examiner shall provide for online entrance firefighter and entrance police testing as provided for in this Section by Fiscal Year 2022.

(2) As may be necessary from time to time, the state examiner may call for and administer examinations for the entrance classifications of firefighter,

police officer, **secretary to the chief, departmental records clerk**, jailer, and for the entrance classes for positions of which the operation and maintenance of a radio, alarm, or signal system for the fire or police service is the primary duty. Tests may be administered at the discretion of the state examiner in any municipality, parish, or fire protection district to which this Part applies. Official notification shall not be made to the extent required under Paragraph (1) of this Section; however, public notice shall be published at least four times during a thirty-day period in the official journal of the state of Louisiana and may be posted on the bulletin board in each station of the respective department. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the state examiner may prescribe.

* * *

(11) Each applicant who makes a passing score on a test administered by the state examiner pursuant to **Subparagraph (1)(c) or Paragraph (2)** of this Section shall be advised, in any manner the state examiner prescribes, of his final score. **Except for the positions of entrance firefighter and entrance police officer,** such score may be reported and approved by the board under the provisions of R.S. 33:2551(9). The original eligibility of an applicant under the provisions of this Paragraph shall be the period of not more than eighteen months after the date on which the signature of the state examiner was affixed to his notification of score.

§2553. Admission to tests

* * *

C. Any applicant admitted to the competitive examinations which may be called for by the state examiner pursuant to R.S. 33:2552(1)(c) or (2) shall be a citizen of the United States and of legal age.

§2554. Certification and appointment

A. **(1) Except for entrance firefighter and entrance police officer,** whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board thereupon shall certify in writing the names of eligible persons from the appropriate employment list, and the appointing authority shall, if it fills the vacancy, make the appointment as provided by this Section.

(2) Whenever the appointing authority proposes to fill a vacancy in entrance level firefighter or entrance level police officer, he shall request the state examiner to certify names of persons eligible for appointments to the vacant position. The state examiner shall certify in writing the names of eligible persons from the appropriate list, and the appointing authority shall, if he fills the vacancy, make the appointment as provided by this Section.

* * *

D. Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by R.S. 33:2552(5)(7). Upon the appointing authority's request for the certification of eligible persons from which it may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board **or the state examiner** shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled any one of the persons so certified to it for the vacancy. **In making appointments to the positions of entrance firefighter and entrance police officer, the appointing authority shall verify the applicant meets the minimum qualifications as established by the board. Additionally, in making such appointment to entry-level positions, the appointing authority shall give a preference to Louisiana residents. If any one or more persons so certified refuses the appointment, the appointing authority then shall select and appoint any one of the remaining persons certified by the board or the state examiner.** This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.

* * *

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 39

SENATE BILL NO. 229
BY SENATOR MCMATH
AN ACT

To amend and reenact R.S. 15:500 through 502, relative to evidence from criminalistics laboratories; to provide relative to information pertaining to certificates of analysis; to provide with respect to admissibility as evidence; to provide with respect to notice of opposing party and certification of subpoena request; to provide with respect to time delays to provide notice; to provide relative to testimony by simultaneous broadcast; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Section 1. R.S. 15:500 through 502 are hereby amended and reenacted to read as follows:

§500. Admissibility

In all criminal cases; and in all cases in juvenile **court**; or **in all** family courts which are of a criminal nature, and in civil forfeiture proceedings arising from criminal activity, the courts of this state shall receive as evidence any certificate made in accordance with R.S. 15:499 subject to the conditions contained in this Section and R.S. 15:501. The certificate shall be received in evidence as prima facie proof of the facts shown thereon, and as prima facie proof of proper custody of the physical evidence listed thereon from time of delivery of ~~said the~~ evidence to the facility until its removal therefrom.

§501. Notice of opposing party and opportunity to cross-examine expert; certification of subpoena request

A. **Except as provided in Subsection F of this Section,** The party seeking to introduce a certificate made in accordance with R.S. 15:499 shall, not less than forty-five days prior to the commencement of the trial, give written notice of intent to offer proof by certificate. Such notice shall include a copy of the certificate.

B. The attorney for the defendant, or the defendant acting in his own defense, if not represented by counsel, may demand that the person making the examination or analysis testify by filing a written demand and serving it upon the **department attorney**, district attorney, or attorney general seeking to introduce the certificate. If such a demand is made timely as set forth below, the certificate shall not constitute prima facie proof of the facts thereon as set forth in R.S. 15:500.

C. Demand for the testimony of the person making the examination or analysis shall be filed and served by counsel for the defendant, or by a defendant acting as his own counsel, **except as provided in Subsection F of this Section,** within thirty days of the receipt of the notice provided for in Subsection A of this Section. The trial court may extend ~~this thirty-day the~~ period for good cause shown if such request is made prior to the expiration of the ~~thirty days~~ period.

D. If no request for additional time is made prior to the expiration of the ~~thirty-day~~ period, an extension of time in which to make such a demand may be made only upon a showing of exceptional circumstances. Any allegation that such circumstances exist shall constitute a preliminary plea on the defendant's behalf for the purposes of Louisiana Code of Criminal Procedure Article 580. The demand shall be made in writing and notice shall be served on the **department attorney**, district attorney, or the attorney general prosecuting the matter. The court shall conduct a contradictory hearing to determine if the extension is warranted.

E. The filing of a demand by the defendant does not prevent the admission of the certificate or its contents in any other manner otherwise appropriate pursuant to the Louisiana Code of Evidence or its ancillaries.

F. A party in a case in juvenile court which is of a noncriminal nature seeking to introduce a certificate made in accordance with R.S. 15:499 shall, not less than five days prior to the commencement of the trial, give written notice of intent to offer proof of certificate. Such notice shall include a copy of the certificate. Demands for testimony made pursuant to Subsection B of this Section shall be made within three days of receipt of the notice.

§502. Testimony by simultaneous broadcast

A. The court may authorize the following persons to testify by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom, during any criminal proceeding; **juvenile court proceeding;** or any family court proceeding which is of a criminal nature, and any civil forfeiture proceeding arising from alleged criminal activity:

(1) Employees of criminalistics laboratories.

(2) Coroners.

(3) Forensic pathologists.

(4) Any other person practicing in the field of knowledge and expertise in the gathering, examination, and analysis of evidence by scientific means.

B. The party seeking to offer testimony as provided in Subsection A of this Section shall, **in all cases, except those in juvenile court which are of a noncriminal nature,** provide written notice to opposing counsel not less than thirty days prior to the commencement of the proceeding. **A party in a case in juvenile court which is of a noncriminal nature seeking to offer testimony as provided in Subsection A of this Section shall provide written notice to opposing counsel not less than three days prior to the commencement of the proceeding.**

* * *

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 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 40

SENATE BILL NO. 322

THE ADVOCATE
PAGE 21

* As it appears in the enrolled bill

BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 14:98.7(A) and R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d), and (2), the introductory paragraph of 667.1(A), and 669(A), to enact R.S. 32:661(D), and to repeal R.S. 32:661(C)(1)(f), relative to tests for suspected drunken drivers; to provide relative to chemical tests for intoxication required to be given to persons suspected of operating a motor vehicle while intoxicated; to provide relative to suspension of a driver's license for failure to submit to a chemical test for intoxication; to provide relative to required notice to certain drivers suspected of operating a motor vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.7(A) is hereby amended and reenacted to read as follows:

§98.7. Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

A. No person under arrest for a violation of R.S. 14:98, ~~or 98.6~~ **98.1**, or any other law or ordinance that prohibits operating a vehicle while intoxicated, may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate occasions of any such violation.

Section 2. R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d) and (2), the introductory paragraph of 667.1(A), and 669(A) are hereby amended and reenacted and R.S. 32:661(D) is hereby enacted to read as follows:

§661. Operating a vehicle under the influence of alcoholic beverages or illegal substance or controlled dangerous substances; implied consent to chemical tests; administering of test and presumptions

C.(1) When a law enforcement officer requests that a person submit to a chemical test as provided for above, he shall first read to the person a standardized form approved by the Department of Public Safety and Corrections. The department is authorized to use such language in the form as it, in its sole discretion, deems proper, provided that the form does inform the person of the following:

(d) That his driving privileges can be suspended if he submits to the chemical test and the test results show a positive reading indicating the presence of any controlled dangerous substance listed in R.S. 40:964. **The department may exclude this warning from the form required by this Paragraph until such time as a suspension for a test result shows a positive reading indicating the presence of any controlled dangerous substance listed in R.S. 40:964 is enacted by the legislature.**

(e) ~~The name and employing agency of all law enforcement officers involved in the stop, detention, investigation, or arrest of the person.~~

(f) That refusal to submit to a chemical test after an arrest for an offense of driving while intoxicated if he has refused to submit to such test on two previous and separate occasions of any previous such violation is a crime under the provisions of R.S. ~~14:98.2~~ **14:98.7** and the penalties for such crime are the same as the penalties for first conviction of driving while intoxicated.

D. The notice issued to the person tested pursuant to R.S. 32:667 shall include the name and employing agency of all law enforcement officers actively participating in the stop, detention, investigation, or arrest of the person.

§666. Refusal to submit to chemical test; submission to chemical tests; exception; effects of

A.(1)(a)(i) When a law enforcement officer has probable cause to believe that a person has violated R.S. 14:98, ~~98.1~~ **98.6**, or any other law or ordinance that prohibits operating a vehicle while intoxicated, that person may not refuse to submit to a chemical test or tests if he has refused to submit to such test or tests on two previous and separate occasions of any previous such violation or in any case wherein a fatality has occurred or a person has sustained serious bodily injury in a crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance. Serious bodily injury means bodily injury which involves unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death. The law enforcement officer shall direct that a chemical test or tests be conducted of a person's blood, urine, or other bodily substance, or perform a chemical test of such person's breath, for the purpose of determining the alcoholic content of his blood and the presence of any abused substance or controlled substance as set forth in R.S. 40:964 in his blood in such circumstances. The officer may direct a person to submit to a breath test, and if indicated, an additional blood test for the purpose of testing for the presence of alcohol, abused substances, and controlled dangerous substances. A refusal of any such test or tests shall result in the suspension of driving privileges as provided by the provisions of this Part. A physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician shall perform a chemical test in accordance with the provisions of R.S. 32:664 when directed to do so by a law enforcement officer.

(3) In all cases where a person is under arrest for a violation of R.S. 14:98, ~~98.1~~ **98.6**, or other law or ordinance that prohibits operating a vehicle while

intoxicated who refuses to submit to a chemical test or tests if he has refused to submit to a chemical test on two previous and separate occasions of any previous such violation shall be advised that the consequences of such refusal shall be subject to criminal penalties under the provisions of R.S. ~~14:98.2~~ **14:98.7**.

§667. Seizure of license; circumstances; temporary license

A. When a law enforcement officer places a person under arrest for a violation of R.S. 14:98 or ~~98.1~~ **98.6**, or a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, and the person either refuses to submit to an approved chemical test for intoxication, or submits to the test and the test results show a blood alcohol level of 0.08 percent or above by weight or, if the person is under the age of twenty-one, a blood alcohol level of 0.02 percent or above by weight, the following procedures shall apply:

C. The department shall develop a uniform statewide form for temporary receipt of licenses which shall be used by all state and local law enforcement officials. ~~The This form, or a separate form, shall be issued in duplicate to the person arrested to provide a means for him to request an administrative hearing.~~

H.(1)

(3) Paragraph (1) of this Subsection shall not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest for R.S. 14:98 or ~~98.1~~ **98.6**, or a parish or municipal ordinance that prohibits driving a motor vehicle while intoxicated. However, this Paragraph shall not apply if the second or subsequent arrest occurs more than ten years after the prior arrest. The department's records of arrests made for operating a vehicle while intoxicated, as certified by the arresting officer pursuant to R.S. 32:666(B), shall be used to determine the application of the provisions of this Paragraph. In the event the suspension arising out of such arrest has been reversed or recalled including any reversal or recall as a result of an administrative hearing or judicial review, then that arrest related to that suspension shall not be used to determine if this Paragraph applies to a driver's license reinstatement.

I.(1) In addition to any other provision of law, an ignition interlock device shall be installed in any motor vehicle operated by any of the following persons whose driver's license has been suspended in connection with the following circumstances as a condition of the reinstatement of such person's driver's license:

(a) Any person who has refused to submit to an approved chemical test for intoxication, after being requested to do so, for a second arrest of R.S. 14:98 or ~~98.1~~ **98.6** or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and whose driver's license has been suspended in accordance with law.

(c) Any person who is arrested for a violation of R.S. 14:98, ~~R.S. 14:98.1~~ **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and is involved, as a driver, in a traffic crash which involves moderate bodily injury or serious bodily injury as defined in R.S. 32:666(A).

(d) Any person who is arrested for a violation of R.S. 14:98, ~~R.S. 14:98.1~~ **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and a minor child twelve years of age or younger was a passenger in the motor vehicle at the time of the commission of the offense.

(2) As to any person enumerated in Paragraph (1) of this Subsection, the ignition interlock device shall remain on the motor vehicle for a period of not less than six months. The ignition interlock device may be installed either prior to the reinstatement of the driver's license, if the person has lawfully obtained a restricted driver's license, or as a condition of the reinstatement of the driver's license. When the driver's license is suspended as described in this Subsection, the ignition interlock device shall remain on the motor vehicle for the same period as the suspension, with credit for time when the interlock device was installed and functioning as part of a restricted driver's license, **or with credit for time when the ignition interlock device is monitored in accordance with R.S. 32:378.2(M).**

§667.1. Seizure of license upon arrest for vehicular homicide; issuance of temporary license; suspension

A. When a law enforcement officer places a person under arrest for a violation of R.S. 14:32.1 (vehicular homicide), **and a certificate of arrest has not already been submitted to the office of motor vehicles pursuant to R.S. 32:666(B) for a submission or refusal to submit to the chemical test,** the following procedure shall apply:

§669. Suspension of nonresident's operating privilege; notification to state of residence

A. When a nonresident driver **submits to the chemical test, or** refuses to take an approved chemical test as provided for in R.S. ~~32:666~~ **32:661 et seq.**, the arresting officer or agency shall notify the department, which shall give information, in writing, to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Section 3. R.S. 32:661(C)(1)(f) is hereby repealed in its entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III,

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

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 41

SENATE BILL NO. 352
BY SENATOR HENRY
AN ACT

To enact R.S. 14:98.5.1, relative to driving offenses; to provide that the court may order a clinical assessment for a person who has two or more convictions for operating a vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.5.1 is hereby enacted to read as follows:

§98.5.1. Assessment for alcohol or drug dependence; rehabilitative programs; second and subsequent convictions

A. Notwithstanding any other provision of law to the contrary provided by R.S. 14:98, 98.1, 98.2, 98.3, and 98.4, on a second or subsequent conviction for a violation of R.S. 14:98, the court may order the offender, at the sole expense of the offender, to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the United States Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

B. Upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol or drug dependence by the United States Food and Drug Administration.

C. This Section shall not apply when an offender shows that he is unable to pay the costs of the assessment and rehabilitative program, either personally or through a third party insurer.

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 42

SENATE BILL NO. 414
BY SENATOR FOIL
AN ACT

To amend and reenact R.S. 47:1922(A)(1), relative to the Insurance Committee of the Assessors' Insurance Fund; to provide relative to the authority of the Insurance Committee of the Assessors' Insurance Fund to contract for group insurance; to remove provision requiring final approval by the Louisiana Assessors' Association membership; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1922(A)(1) is hereby amended and reenacted to read as follows:

§1922. Creation of assessors' insurance fund and committee with authority to contract for group insurance; payment of premiums

A.(1) There is hereby created an Assessors' Insurance Fund for the assessors and assessors' employees throughout the state and a public corporation to be known as the "Insurance Committee of the Assessors' Insurance Fund"; ~~which, This~~ **which, This** committee shall be vested with the power to administer the ~~fund~~ **Assessors' Insurance Fund**, to sue and be sued, to bid for, then contract for and pay premiums for group life and accidental death and dismemberment insurance and group health, accident, dental, hospital, surgical, and other medical expense insurance for the assessors, assessors' employees, and dependents of the assessors and assessors' employees as provided ~~for herein in this Section~~ **with any insurance company legally authorized to do business in this state after final approval by a majority vote of the Louisiana Assessors' Association membership.**

* * *

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 43

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

SENATE BILL NO. 421
BY SENATOR PEACOCK
AN ACT

To enact R.S. 34:3522, relative to certain port commissions; to provide for the rights and powers of such commissions; to provide for functions relative to economic and industrial growth; to authorize the acquisition and operation of air cargo airports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3522 is hereby enacted to read as follows:

§3522. Rights and powers for economic and industrial growth

A. Notwithstanding any other provision of law to the contrary, a commission of a port, other than a deep water port, with a population of not less than two hundred fifty thousand and not more than four hundred thousand within its jurisdiction may perform the following functions but shall not be limited to:

(1) Public relations, advertising, marketing, and providing and disseminating information.

(2) Government relations, ombudsman, and government liaison.

(3) Financial and financing assistance.

(4) Tax abatement.

(5) Planning and coordination for economic development and resource utilization, including such functions as industrial and economic research and industrial programming and solicitation.

(6) Industrial training, technical assistance, and technology transfer.

(7) Using public and other legal powers to facilitate development.

(8) Promoting transfer mechanisms to take ideas from the point of origin and development to commercially successful utilization by local enterprise.

(9) Fostering entrepreneurial activity in the port area.

(10) Promoting the development of new products, processes, or services or new uses for existing products, processes, or services manufactured or marketed in the port area.

(11) Supporting market research aimed at identifying new markets for local or regional products and processes, including international markets, determining the characteristics, needs, and preferences of those markets, and developing new marketing techniques to exploit those markets.

(12) Fostering and supporting economic 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 which increase the economic base of the port area.

(13) Acquiring and operating air cargo airports within its territorial jurisdiction together with all property and facilities located therein, and any land as the commission may deem necessary for the present and future operations of such air cargo airports.

B. For the purposes enumerated in Subsection A of this Section, the commission may engage in any activities and projects it deems most appropriate to encourage and assist economic growth and development in the port area.

C. In furtherance of the rights and powers enumerated in Subsections A and B of this Section, the commission shall not be subject in any respect to the authority, control, or supervision of any parish or municipal regulatory body.

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 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 44

SENATE BILL NO. 450
BY SENATORS CARTER AND CONNICK
AN ACT

To enact R.S. 13:3881(A)(10) and R.S. 20:34, relative to funds received from governmental entities as the result of an extraordinary emergency event; to provide definitions; to provide exemptions from certain legal proceedings; to provide an exemption from seizure for certain payments received under federal law providing COVID-19 stimulus and relief; to provide terms and conditions; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3881(A)(10) is hereby enacted to read as follows:

§3881. General exemptions from seizure

A. The following income or property of a debtor is exempt from seizure under any writ, mandate, or process whatsoever, except as otherwise herein provided:

* * *

(10) Any consumer stimulus payments directly received by the debtor pursuant to federal law enacted to provide for COVID-19 relief, except for seizure of

* As it appears in the enrolled bill

THE ADVOCATE
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spousal or child support payments. This Paragraph shall not apply to payments received by the debtor as unemployment compensation.

Section 2. R.S. 20:34 is hereby enacted to read as follows:

§34. Payments, grants, and loans made by the United States, any state, or any federal or state agency resulting from the occurrence of an extraordinary emergency event

A. It is the public policy of the state of Louisiana that all payments, grants, or loans made by the United States, any state, or any federal or state agency as a result of a national or statewide extraordinary emergency event shall be used by the payee, grantee, or borrower for the purposes intended by the governmental authority which pays, grants, or lends the funds.

B. An "extraordinary emergency event" as used in this Section, means a presidentially or gubernatorially declared natural disaster, state of emergency, or public health emergency affecting Louisiana.

C. Any governmental payments, grants, or loans received as a result of an extraordinary emergency event by any natural or juridical person who is a citizen of the United States and domiciled in this state:

(1) After receipt by the person, are exempt from seizure, sale, attachment, or restraint under any writ, mandate, or order, except for the payment of alimony and child support as may be otherwise allowed by law and except to the extent of the balance due on debt secured by a security interest granted in such governmental grants, payments, or loans that the person granted after the extraordinary emergency event.

(2) Prior to the extraordinary emergency event may not be assigned by such person designating such payments, grants, or loans as security for the payment of any debt existing prior to the extraordinary emergency event for which the governmental payment, grant, or loan was made.

D.(1) After receipt by the person, all governmental grant funds, payments, or loan proceeds shall continue to be exempt from seizure and shall retain their exempt status as provided in Paragraph C, provided that the grant funds, payments, or loan proceeds are held separately in an account used exclusively for this purpose and expressly identified as an account opened under this Section.

(2) The person asserting the exemption created by this Section bears the burden of preventing or limiting a financial institution's compliance with or response to a seizure, sale, attachment, garnishment, or restraint subject to this Section by seeking an appropriate remedy, including a restraining order, injunction, protective order, or other remedy, to prevent or suspend the financial institution's response to a claim against the person.

E. The provisions of this Section are subject to and shall not supercede laws, regulations, rules, government-issued guidance or interpretations, or other specific provisions, governing a particular payment, grant, or loan program and pursuant to which the natural or juridical person received funds.

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 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 45

SENATE BILL NO. 487
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 39:101(A)(1)(b), relative to capital outlay; to provide with respect to applications for capital outlay budget requests; to provide for which projects are required to reapply annually; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:101(A)(1)(b) is hereby amended and reenacted to read as follows:

§101. Capital outlay budget request; feasibility studies

A.(1)

* * *

~~(b) The application for any (i) An updated capital outlay budget request which receives funding in the capital outlay budget shall be updated submitted each year that the project remains active in the budget process to requires new state funds in order to fully fund the project scope most recently approved by the legislature or the project has not encumbered a contract for acquiring lands, buildings, equipment, or construction of a permanent property within the twenty-four month period before the submission deadline. The updated request shall reflect all changes in the project that occurred since the previous submission. The resubmission of the capital outlay budget request shall be subject to all of the requirements and the November first submission deadline as all other capital outlay budget requests.~~

(ii) An updated capital outlay budget request shall not be required for any

project for which the work is complete or any project which has been abandoned. A project shall be considered abandoned when no expenditures occur within the twenty-four month period before the submission deadline.

* * *

Approved by the Governor, June 4, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 46

SENATE BILL NO. 492
BY SENATOR CATHEY AND REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 40:1730.21.1, relative to the state uniform construction code; to provide for the state regulation of natural gas utility service; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.21.1 is hereby enacted to read as follows:

§1730.21.1. State preemption of natural gas utility service

A. The regulation of a utility provider's authority to operate and serve customers is a matter of statewide concern. No code, ordinance, land use restriction or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person's or entity's ability to use the services of a utility provider that is capable and authorized to provide the utility service at a person's or entity's property.

B. A parish or municipality may not deny a permit application based on the utility provider proposed to provide utility service to the project.

C. A parish or municipality issuing a building permit shall ensure that all applicable permits and associated fees assessed on a building permit applicant contain requirements and amounts that do not exceed the requirements and amounts for use of other utility providers and do not have the effect of restricting a permit applicant's ability to use the services of a utility provider that is capable and authorized to provide utility service.

D. This Section does not prohibit a parish or municipality from recovering reasonable costs associated with reviewing a building permit, issuing a building permit, and performing inspections to verify code compliance.

E. A parish or municipality may not impose a fine, penalty, or other requirement that has the effect of restricting a utility provider's authority to operate or serve customers.

F. This Section does not affect the authority of a parish or municipality to manage the public highways within its boundaries or to exercise its police powers to review and approve an application before issuing a permit to perform work in the public highways or to enforce associated permit conditions.

G. This Section does not affect the authority of a parish or municipality to manage or operate a publicly-owned utility.

H. For the purposes of this Section, "utility service" means natural gas provided to an end user.

I. The provisions of this Section shall supersede any contrary provision of law.

Approved by the Governor, June 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 47

SENATE BILL NO. 498
BY SENATORS ALLAIN AND FRED MILLS
AN ACT

To amend and reenact R.S. 47:1514, relative to tax filing and payment extensions; to authorize the secretary of the Department of Revenue to extend the time to file and pay taxes when there is a disaster or emergency declaration; to authorize the secretary to suspend the accrual of interest in certain circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1514 is hereby amended and reenacted to read as follows:
§1514. Power to extend time to file returns and pay tax

A. Upon the written request of the taxpayer and for good cause shown, the collector may grant reasonable extensions of time for the filing of returns and payment of tax due under this Sub-title; Subtitle, provided that such any extensions of time shall not exceed six months in the case of income and franchise taxes, thirty calendar days one calendar month in the case of sales taxes, and sixty calendar days two calendar months in the case of any other tax due under this Sub-title Subtitle. Whenever such an extension is granted pursuant to this Subsection, the return or tax for which the extension is granted shall not become delinquent until the expiration of the extension period; but interest will accrue on the tax during the period of the extension;

such interest to be computed in all cases from the date the tax would have become delinquent in the absence of an extension.

B. In the event of a gubernatorially declared disaster or emergency, the collector may grant reasonable extensions of time for the filing of returns and reports and payment of taxes, fees, or service charges due under this Subtitle or any other law for which the authority to collect has been delegated to the secretary of the Department of Revenue, provided that any extensions of time shall not exceed six months in the case of income and franchise taxes and three calendar months in the case of any other tax, fee, or service charge collected by the Department of Revenue. Whenever an extension is granted pursuant to this Subsection, the return, report, tax, fee, or service charge for which the extension is granted shall not become delinquent until the expiration of the extension period; but interest will accrue on the tax, fee, or service charge during the period of the extension, to be computed in all cases from the date the tax, fee, or service charge would have become delinquent in the absence of an extension.

C. In the event of a presidentially declared disaster or emergency, the collector may grant reasonable extensions of time for the filing of returns and reports and payment of taxes, fees, or service charges due under this Subtitle or any other law for which the authority to collect has been delegated to the secretary of the Department of Revenue, provided that any extensions of time shall not exceed six months in the case of income and franchise taxes and three calendar months in the case of any other tax, fee, or service charge collected by the Department of Revenue. Whenever an extension is granted pursuant to this Subsection, the return, report, tax, fee, or service charge for which the extension is granted shall not become delinquent until the expiration of the extension period and the collector may suspend the accrual of interest for all or part of the extension period.

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 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 48

SENATE BILL NO. 503
BY SENATOR WHITE
AN ACT

To amend and reenact R.S. 39:82(B), relative to appropriations; to provide relative to the deadline to withdraw appropriations from the preceding year against which bona fide liabilities existed as of the last day of the fiscal year; to provide for exceptions to the deadline; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:82(B) is hereby amended and reenacted to read as follows:
§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year; reports

A. * * *

B. The commissioner of administration may, with the approval of the Joint Legislative Committee on the Budget, incorporate into the new fiscal year's appropriation any appropriations from the prior fiscal year against which bona fide obligations existed on the last day of the fiscal year. No transactions shall be approved in this manner after the forty-fifth day following the last day of the fiscal year; **provided, however, that in any year in which the Joint Legislative Committee on the Budget is unable to meet to approve the transactions before the forty-fifth day following the last day of the fiscal year due to a declared disaster or emergency, the transactions shall be placed on the agenda of the next Joint Legislative Committee on the Budget meeting for approval and may be approved after the forty-fifth day following the last day of the fiscal year. However, the next meeting shall take place no later than thirty days after the end of the declared disaster or emergency.**

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 4, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 49

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

SENATE BILL NO. 16

BY SENATORS LUNEAU AND ROBERT MILLS AND REPRESENTATIVES ADAMS, BROWN, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, DEVILLIER, DUBUISSON, DUPLESSIS, EMERSON, FONTENOT, FREEMAN, GADBERRY, GOUDEAU, GREEN, HUGHES, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, LACOMBE, LANDRY, LARVADAIN, LYONS, MACK, MAGEE, MARCELLE, DUSTIN MILLER, MINCEY, MOORE, NEWELL, CHARLES OWEN, PIERRE, SEABAUGH, SELDERS, THOMPSON, WHITE, WILLARD AND ZERINGUE

AN ACT

To enact R.S. 22:1482(D) and 1482.1(C), relative to rating standards and methods; to prohibit the determination of rate classifications based on the deployment of the insured in the military for at least six months; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1482(D) and 1482.1(C) are hereby enacted to read as follows:
§1482. Military personnel premium discount; rebates; **rating standards and methods**

* * *

D. Except for the purpose of administering the military personnel premium discounts set forth herein and in R.S. 22:1482.1, the fact that the insured is deployed in the military for a period in excess of six months shall not be used by any insurer for the classification of risks.

* * *

§1482.1. Military personnel premium discount for homeowner's insurance; **rating standards and methods**

* * *

C. Except for the purpose of administering the military personnel premium discounts set forth herein and in R.S. 22:1482, the fact that the insured is deployed in the military for a period in excess of six months shall not be used by any insurer for the classification of risks.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 50

SENATE BILL NO. 54
BY SENATOR FOIL
AN ACT

To amend and reenact the introductory paragraph of R.S. 12:1-501, 262.1(C), and 406(A) and to enact R.S. 12:1-501(2)(b)(iii), relative to corporations; to provide relative to organizational documents, including articles of incorporation; to provide relative to qualifications of registered agents for certain types of corporations; to provide for revocation of articles of incorporation by the secretary of state; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 12:1-501, 262.1(C), and 406(A) are hereby amended and reenacted and R.S. 12:1-501(2)(b)(iii) is hereby enacted to read as follows:

§1-501. Registered office and registered agent

Each corporation ~~must~~ **shall** continuously maintain in this state both of the following:

* * *

(2) A registered agent, who may be either of the following:

* * *

(b) A domestic or foreign corporation or other eligible entity that does all of the following:

* * *

(iii) Acts as the agent of a corporation for service of process as authorized by its organizational documents.

* * *

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

* * *

~~C. In any case where the secretary of state revokes the articles of incorporation and the corporate franchise, as authorized in Subsection A of this Section, the secretary of state shall, without charge, record notice of such revocation in the conveyance records and the corporation's registry of the office of the clerk of court in the parish where the corporation maintains its registered office and, in the parish of Orleans, such notice shall be recorded in the office of the recorder of mortgages and register of conveyances for said parish. The corporation shall not be revoked if the corporation places itself in good standing.~~

* * *

§406. Articles of incorporation

A. The articles of incorporation of a cooperative shall recite in the caption that they are executed pursuant to this Part. The articles shall be executed

* As it appears in the enrolled bill

by authentic act, signed by each of the incorporators, and shall state **the following**:

- (1) The name of the cooperative;
- (2) The address of its principal office;
- (3) The names and addresses of the incorporators;
- (4) The names and addresses of the persons who shall constitute its first board of directors;
- (5) Its duration; ~~and~~.
- (6) Any provisions not inconsistent with this Part ~~deemed~~ **considered** necessary or advisable for the conduct of its business and affairs, including any provision authorized by ~~R.S. 12:24(C)(4)~~ **R.S. 12:1-202(B)(5)**.

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 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 51

SENATE BILL NO. 55
BY SENATOR FOIL
AN ACT

To amend and reenact R.S. 51:3143(B) and 3163(B), relative to certain contract providers; to provide for registration with the secretary of state; to provide relative to the application form and required information; to provide for procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3143(B) and 3163(B) are hereby amended and reenacted to read as follows:

§3143. Requirements for doing business

* * *

B. Each provider of a home service contract sold in this state shall file an application for an initial registration with the secretary of state consisting of his name, address, ~~telephone number~~, and contact person, designating a person in this state for service of process, and providing a listing of all officers, all directors, and all owners of ten percent or more of the business. Additionally, the provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. Each application for registration shall be accompanied by a fee of six hundred dollars. All fees shall be paid to the secretary of state.

* * *

§3163. Requirements for doing business

* * *

B. ~~Beginning February 1, 2019, each~~ **Each** provider of a motor vehicle service contract sold in this state shall file an application for an initial registration with the secretary of state consisting of the provider's name, address, ~~telephone number~~, and contact person, designating a person in this state for service of process, and providing a listing of all officers, all directors, and all owners of ten percent or more of the business. Additionally, the provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. Each application for registration shall be accompanied by a fee of six hundred dollars. All fees shall be paid to the secretary of 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 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 52

SENATE BILL NO. 65
BY SENATORS TALBOT, ABRAHAM, BARROW, BERNARD, BOUIE,
CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, HARRIS,
HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LUNEAU, MCMATH,
MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS,
PEACOCK, POPE, PRICE, REESE, SMITH, TARVER, WARD AND

WOMACK AND REPRESENTATIVE MINCEY
AN ACT

To amend and reenact R.S. 22:1284.1 and 1964(7)(j) and R.S. 32:861.1, relative to automobile insurance; to provide for a definition of "lapse in coverage"; to provide for nondiscriminatory treatment of persons with a lapse in coverage; to provide for an unfair trade practice for discriminatory treatment of persons with a lapse in coverage; to provide for an exemption from the Motor Vehicle Safety Responsibility Law due to out-of-state services in the uniformed services; to provide for a notification procedure for the service member exemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1284.1 and 1964(7)(j) are hereby amended and reenacted to read as follows:

§1284.1. Motor vehicle insurance; consideration of lapse in coverage prohibited

A. No insurer shall increase the premium rate or increase or add a surcharge on any policy of motor vehicle insurance when such action is based solely on consideration of a lapse in coverage, as defined in this Section, ~~regarding the insured as provided in this Section.~~

B. As used in this Section, a "lapse in coverage" is that period ~~of time~~ during which the owner of a motor vehicle ~~who formerly maintained~~ **ceases to maintain** liability coverage on a vehicle, as required ~~under by~~ the Motor Vehicle Safety Responsibility Law, **by complying with the requirements of either of the following**:

(1) ~~first voluntarily surrenders R.S. 32:861(A)(3) relative to surrendering the vehicle's license plate to the office of motor vehicles and then ceases to maintain a policy of insurance or other security as required by the Motor Vehicle Safety Responsibility Law.~~

(2) **R.S. 32:861.1 relative to notifying the office of motor vehicles of service out-of-state in the uniformed services.**

C. Any insurer who violates the provisions of this Section shall refund to the insured person the amount of premium ~~which was paid that exceeded in excess of the amount of premium which that~~ would have been charged if the insurer had complied with this Section. ~~The commissioner of insurance shall promulgate rules and regulations to enforce the provisions of this Section.~~

D. Notwithstanding any other provisions of law to the contrary, one or more lapses in coverage, as defined in this Section, shall not be the sole basis for an insurer's denial of an application for a policy of motor vehicle insurance nor shall such lapse in coverage be considered by an insurer in determining the rates for such a policy. In addition, no insurer shall require that such coverage be provided by another insurer based solely upon such a lapse in coverage.

* * *

§1964. Methods, acts, and practices which are defined as unfair or deceptive

The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

* * *

(7) Unfair discrimination.

* * *

(j) **Violating the provisions of R.S. 22:1284.1.** ~~With regard to automobile liability insurance, refusing to issue insurance coverage or increasing insurance premiums solely based upon a lapse in insurance coverage where the insured is serving in the military and has been deployed and has performed military services out of state and where the individual has previously surrendered his automobile license number plate to the office of motor vehicles in compliance with R.S. 47:505(B). This Paragraph shall apply to all existing and new insurance policies as well as renewals of existing policies.~~

* * *

Section 2. R.S. 32:861.1 is hereby amended and reenacted to read as follows:

§861.1. Security required; exemption for ~~active duty overseas~~ **out-of-state service in the uniformed services**

A. The registered owner of a motor vehicle who is a member of ~~the armed and due to service out-of-state for more than thirty days in the uniformed services~~ is exempt from the provisions of Chapter 5 of this Title, while on active duty ~~overseas~~, **provided if, prior to such service**, the owner notifies the commissioner **that he wishes in writing of the intent** to discontinue the use of a vehicle ~~registered in his name by notarized affidavit within fifteen business days of cancellation of liability security on the vehicle. Such affidavit notice shall set forth the date upon which the vehicle will no longer be in use, the intended period of nonuse, and site the storage address of the vehicle. The owner shall attach a copy of his any orders to active duty overseas to his notarized affidavit or other documentation that substantiates nonuse of the vehicle due to service out-of-state in the uniformed services.~~

B. ~~This An~~ exemption **pursuant to Subsection A of this Section** terminates on the final date of nonuse as set forth in the **affidavit notice** or upon a subsequent report of liability security on the vehicle to the office of motor vehicles, whichever occurs first.

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 53

SENATE BILL NO. 71
BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 22:1475 and to repeal R.S. 32:1043, relative to the Louisiana Automobile Insurance Plan; to provide for motor vehicle policies issued in compliance with the plan; to repeal certain duplicative provisions regarding residual market plans in the Motor Vehicle Safety Responsibility Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1475 is hereby amended and reenacted to read as follows:
§1475. Assigned risks; governing committee of the Louisiana Automobile Insurance Plan

~~A. With respect to casualty insurance to which this Subpart applies, agreement may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but who are unable to procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the commissioner of insurance. No domestic insurance company shall be denied servicing carrier status. After consultation with insurance companies authorized to issue motor vehicle insurance in this state, the commissioner of insurance shall approve a reasonable plan, the Louisiana Automobile Insurance Plan, referred to in this Section as the "plan", which shall function exclusively as a residual market mechanism, to applicants who are in good faith entitled to, but are unable to, procure such insurance through ordinary means, for the purpose of insuring private passenger motor vehicles, commercial motor vehicles including garage liability insurance, and other motor vehicles.~~

~~B. The governing committee of the assigned risks, or "Louisiana Automobile Insurance Plan"; shall consist of the following nine members:~~

- ~~(1) One member shall be the The commissioner of insurance or his designee.~~
- ~~(2) One member designated by the commissioner of insurance.~~
- ~~(3) One member shall be a representative designated by the Louisiana Association of Fire and Casualty Insurance Companies.~~
- ~~(4) One member shall be appointed designated by the president of the Senate.~~
- ~~(5) One member shall be appointed designated by the speaker of the House of Representatives.~~
- ~~(6) The remaining four Four members shall consist of representatives selected from and by the membership subject to final approval by the commissioner of insurance.~~

~~C. The plan may establish a Personal Automobile Insurance Procedure, referred to in this Section as "PAIP", to do the following:~~

- ~~(1) Cause to be issued policies of private passenger automobile insurance in the plan's name to eligible applicants, as described in Subsection A of this Section, and to provide policyholder and claim handling services.~~
- ~~(2) Allocate the operating results of the PAIP, profit or loss, to those subscribers that write private passenger motor vehicle insurance.~~

~~D. The plan may establish a Commercial Automobile Insurance Procedure, referred to in this Section as "CAIP", to do the following:~~

- ~~(1) Appoint an insurance company or companies to act as a servicing carrier to issue commercial automobile insurance policies to eligible applicants, as described in Subsection A of this Section, and to provide policyholder and claim handling services.~~
- ~~(2) Cause to be issued policies of commercial automobile insurance in the plan's name to eligible applicants, as described in Subsection A of this Section, and to provide policyholder and claim handling services.~~
- ~~(3) Allocate the operating results of the CAIP, profit or loss, to those subscribers that write commercial motor vehicle insurance.~~

~~E. Any policy of insurance issued by the plan pursuant to the Personal Automobile Insurance Procedure or the Commercial Automobile Insurance Procedure shall be recognized as if issued by an insurance company authorized to issue insurance in this state.~~

~~F. Every form of a policy, endorsement, rider, manual of classification, rules, and rates, every rating plan, and every modification of any of them proposed to be used by the plan shall be filed and approved by the commissioner of insurance.~~

~~G. All insurance companies writing insurance for private passenger motor vehicles, commercial motor vehicles, and other motor vehicles in this state shall be subscribers to the plan and share in the administrative expenses for the operation of the plan based on a subscriber fee and an assessment based on the market share of premiums.~~

~~H. Any applicant for any policy, any person insured under any such policy, and any insurance company affected may appeal to the commissioner of insurance from any ruling or decision of the manager or the governing committee of the plan to operate the plan. Any person aggrieved by an order or act of the commissioner of insurance may, within ten days after receipt of written notice of the order or act, file a petition in the Nineteenth Judicial District Court or in the district court of the domicile of the aggrieved person, for a review of the order or action. The court shall summarily hear the petition and make the appropriate order or decree.~~

~~I. The exceptions contained under the provisions of R.S. 32:1041(A) shall apply to the plan functioning as a residual market mechanism.~~

Section 2. R.S. 32:1043 is hereby repealed.

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

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 54

HOUSE BILL NO. 765

BY REPRESENTATIVES FONTENOT, ADAMS, AMEDEE, BACALA, BAGALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, BUTLER, CARPENTER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DESHOTEL, DEVILLIER, DUBUISSON, DUPLESSIS, DWIGHT, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GLOVER, GOUDEAU, GREEN, HARRIS, HENRY, HILFERTY, HODGES, HOLLIS, HORTON, HUGHES, HUVAL, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS, MACK, MAGEE, MARCELLE, MARINO, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MINCEY, MOORE, MUSCARELLO, NELSON, NEWELL, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STAGNI, STEFANSKI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WILLARD, WRIGHT, AND ZERINGUE AND SENATORS ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE, AND WOMACK

AN ACT

To enact R.S. 47:463.209, relative to motor vehicle special prestige license plates; to establish the "Louisiana State University National Champions 2019" specialty license plate; to provide for the creation, issuance, design, implementation, fees, distribution, and rule promulgation applicable to such license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.209 is hereby enacted to read as follows:

§463.209. Special prestige license plates; Louisiana State University National Champions 2019

~~A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Louisiana State University National Champions 2019" plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.~~

~~B. The secretary shall work in conjunction with the Louisiana State University Board of Supervisors to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the year "2019".~~

~~C.(1) The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.~~

~~(2) Application for a special prestige license plate under this Section constitutes prior written consent and instruction by the applicant to the department to provide his name, address, and birth date to Louisiana State University. The secretary shall ensure that the application for the plate includes a statement granting such consent.~~

~~D. An annual fee of fifty-one dollars shall be paid to Louisiana State University for each license plate issued as provided in this Section.~~

~~E. The tax for the plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana.~~

~~F. The department shall collect the annual fee required by Subsection D of this Section for each license plate. The department shall retain one dollar from each annual fee to offset administrative costs. The remainder of the fee shall be forwarded to Louisiana State University. The amount forwarded to the institution shall be considered to be a charitable donation to Louisiana State University by the applicant.~~

~~G. The secretary shall establish such rules and regulations as are necessary to implement the provisions of this Section, including but not limited to rules and regulations governing the collection and disbursement of fees, the transfer and disposition of such license plates, the colors available, and the design criteria.~~

~~H. The monies received by Louisiana State University shall be used solely for academic or financial need-based scholarships.~~

~~I. Upon the signing of a contract authorizing the use of the logo of Louisiana State University, the secretary of the Department of Public Safety and Corrections shall establish the "Louisiana State University National Championship Plate 2019" in accordance with the provisions of this Section.~~

~~J. The special license plate authorized by this Section shall not be subject to the design requirements provided for by R.S. 47:463(A)(3).~~

~~K. In the event the motor vehicle registration system of the office of motor vehicles is re-engineered, or other technology is otherwise made available to the office of motor vehicles that would allow for the issuance of special prestige~~

license plates by the office of motor vehicles, then upon the promulgation of rules by the department providing for issuance of a personalized prestige plate under the provisions of this Section, an applicant may request such plate at no additional cost to the applicant above the annual fee as provided in this Section and the annual vehicle registration license tax as provided in R.S. 47:451 et seq.

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 55

SENATE BILL NO. 72
BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 22:821(B)(10), relative to the collection of certain fees from property and casualty insurers; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:821(B)(10) is hereby amended and reenacted to read as follows:

§821. Fees

* * *

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

* * *

(10)(a) For each company form filing of property and casualty insurance policy forms, per product ~~\$100.00~~ **\$50.00**

~~(b) For each company filing to adopt a reference or item filing of advisory organization's form reference filing (not applicable to service purchasers, who must file the actual forms as shown above) \$20.00~~

~~(c) For each company filing of property and casualty insurance policy endorsements, amendments, or riders \$25.00~~

* * *

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

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 56

SENATE BILL NO. 78
BY SENATOR FOIL AND REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 17:3095(I), relative to the Louisiana Student Tuition Assistance and Revenue Trust Program; to authorize disbursement of funds from program accounts to pay certain elementary and secondary education costs; to provide for annual disbursement limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3095(I) is hereby enacted to read as follows:

§3095. Education savings accounts; types, use, limitations, and disclosures

* * *

I. Funds deposited in an education savings account established in accordance with this Chapter may be disbursed in 2020 to pay tuition, as defined in R.S. 17:3100.2, at an elementary or secondary school, as defined in R.S. 17:3100.2. These disbursements shall not include any earnings enhancements or interest thereon that may have accrued to the account. The total amount of disbursements from all such accounts established for a beneficiary shall not exceed ten thousand dollars.

Section 2. This Act shall become effective on August 1, 2020; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2020, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 57

SENATE BILL NO. 79
BY SENATOR ABRAHAM
AN ACT

To enact R.S. 17:3138.9 and R.S. 36:651(G)(9), relative to special treasury funds; to establish the Louisiana Cybersecurity Talent Initiative Fund as a special

fund in the state treasury; to provide for the purpose of the fund; to provide for appropriations to the fund and distributions from the fund; to create and provide for the Cybersecurity Education Management Council under the auspices of the Board of Regents to advise and make recommendations to the board relative to fund distributions; to require the board to report to the legislature with respect to the fund; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.9 is hereby enacted to read as follows:

§3138.9. Louisiana Cybersecurity Talent Initiative Fund; Cybersecurity Education Management Council

A.(1) The Louisiana Cybersecurity Talent Initiative Fund, referred to in this Section as the "fund", is hereby created within the state treasury as a special fund for the purpose of funding degree and certificate programs in cybersecurity fields offered by public postsecondary education institutions in order to meet the state's workforce needs.

(2) Any money donated to the fund or appropriated to the fund by the legislature shall be deposited in the fund. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(3) Monies in the fund shall be appropriated to the Board of Regents to be distributed to public postsecondary education institutions.

(4) The funds distributed pursuant to this Section shall be used by the institutions for expansion of cybersecurity programs. Any funds distributed to an institution that remain unexpended or unobligated at the end of the fiscal year shall be available for use in the subsequent fiscal year by an institution for such purpose.

(5) Funding shall be distributed by the Board of Regents to the public postsecondary education management boards only upon the certification by such a board, on behalf of the receiving institution, that a match of no less than twenty-five percent of the amount of funding to be distributed has been guaranteed by a private entity. The certification shall detail the type of private match to be provided, which may include but is not limited to cash; in-kind donations of technology, personnel, construction materials, facility modification, or corporeal property; internships; scholarships; sponsorship of staff or faculty; or faculty endowment.

(6) The fund is in addition to, and separate from, monies appropriated or allocated to any public postsecondary education management board. Allocations from the fund shall not be included in the Board of Regents' funding formula calculation, nor shall they supplant any state general fund allocations to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

B.(1) The Cybersecurity Education Management Council, referred to in this Section as the "council", is hereby created under the auspices of the Board of Regents for the purpose of advising and making recommendations to the board with respect to distributions from the fund.

(2) The council annually shall review the list of degree and certificate programs upon which the distribution is based and the final distribution amounts.

(3)(a) The council membership shall be as follows, and any member selecting a designee shall select the designee from his respective system, agency, office, or association, as applicable:

(i) Two members appointed by the governor.

(ii) The commissioner of higher education or his designee.

(iii) A representative of the state Department of Education with expertise in science, technology, engineering, and mathematics education appointed by the state superintendent of education.

(iv) The president of the Louisiana Chemical Association or his designee.

(v) The president of the Louisiana State University System or his designee.

(vi) The president of the Southern University System or his designee.

(vii) The president of the University of Louisiana System or his designee.

(viii) The president of the Louisiana Community and Technical College System or his designee.

(ix) The secretary of the Louisiana Workforce Commission or his designee.

(x) The secretary of the Louisiana Department of Economic Development or his designee.

(b) A vacancy in the membership of the council shall be filled in the same manner as the original appointment.

(c) The members of the council shall elect a chairman, vice chairman, and other officers as they consider necessary.

(d) The members of the council shall serve without compensation, but they shall be reimbursed for actual expenses, including travel expenses, to the extent that funds are made available for such purpose.

(e) The council shall meet at least quarterly according to a schedule it establishes. Special meetings shall be held on call of the chairman or of a quorum of the members of the council. For all regular or special meetings, the chairman or other members calling the meeting shall give at least seven days notice to the members of the council of the time and place where the meeting will be held. A majority of the members of the council shall constitute a quorum for the transaction of any and all business.

(f) The council shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

C. The Board of Regents annually shall submit a report to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations. The report shall include the distribution method, the list of degree and certificate

programs upon which the distribution is based, the final distribution amounts, the number of jobs created as a result of the distribution, and the method and data used to determine the reported number of jobs created. Each public postsecondary education management board shall report to the Board of Regents the information necessary for the Board of Regents to satisfy the requirements of this Subsection.

Section 2. R.S. 36:651(G)(9) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education.

* * *

G. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Education as provided in Part III of Chapter 22 of this Title:

* * *

(9) The Cybersecurity Education Management Council (R.S. 17:3138.9).

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 58

SENATE BILL NO. 84
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 17:3805(B), relative to the Education Excellence Fund; to specify a date for the state Department of Education to submit school and school system fund expenditure plans for legislative approval; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3805(B) is hereby amended and reenacted to read as follows:

§3805. Education Excellence Fund; prioritized plan for expenditure; legislative approval; fund amounts and investment earnings credited to ineligible entities

* * *

~~B. (1) The appropriate standing committees of the legislature shall be After approving the expenditure plans submitted by schools and school systems, the department shall submit the plans to the Senate Committee on Education and the House Committee on Education for approval by November fifteenth of each year. Approval by both committees shall be required.~~

~~(2) Upon receipt of those plans which have been approved by the state Department of Education, the standing committees shall meet, either separately or jointly, to consider and act on the plans.~~

~~(3) Approval shall be by motion which may be offered for all plans considered at any meeting in globo or may, at the discretion of the chairperson conducting the meeting, be acted on separately. Approval by either committee, meeting separately, shall require a favorable vote on the motion by a majority of the members present and voting, a quorum of the committee being present. Approval by the two committees, meeting jointly, shall require a favorable vote on the motion by a majority of the members thereof from each house present and voting, each house voting separately, a quorum of the joint committee being present.~~

* * *

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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 59

SENATE BILL NO. 110
BY SENATOR ALLAIN
AN ACT

To enact R.S. 9:1256 and 1257, relative to servitudes; to provide relative to predial servitudes; to provide relative to servitudes of drain; to provide for alteration and extinction of certain servitudes of drain; to provide for exercise of certain servitudes of drain; to provide for acts by the dominant and servient estate owners; to provide certain terms, procedures, conditions, effects, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1256 and 1257 are hereby enacted to read as follows:

§1256. Alteration and extinction of natural servitudes of drain

A. A natural servitude of drain may be altered or extinguished by agreement between the owners of the dominant and servient estates.

B. An alteration or extinguishment by agreement shall not be adverse to the public interest, and is without effect as to a third person unless registered by recording in the conveyance records of the parish in which the estates are located.

§1257. Conventional servitude of drain; right of dominant estate owner to enter servient estate

A. A conventional servitude of drain may be acquired by title, by acquisitive prescription, or by destination of the owner.

B. The owner of the dominant estate with a conventional servitude of drain has the right to enter with his workmen and equipment into the part of the servient estate that is needed for the construction or repair of works required for the use or the preservation of the servitude. This includes the removal of obstructions from any waterway on the servient estate through which the right of drain is exercised, and the dredging of the waterway and removal of silt from it. The owner of the dominant estate may deposit materials to be used for the works, and the debris and silt that may result, subject to the obligation of causing the least possible damage and of removing them as soon as possible.

C. The owner of the dominant estate may engage another person to exercise and perform on his behalf the functions authorized by this Section. The engagement may be through contract of employment, mandate, or otherwise. This shall include a drainage district within which his estate is located.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 60

SENATE BILL NO. 117
BY SENATOR HENSGENS AND REPRESENTATIVE COUSSAN
AN ACT

To enact R.S. 49:191(12)(b) and repeal R.S. 49:191(9)(e), relative to the Department of Natural Resources; to provide for the re-creation of the Department of Natural Resources 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 Natural Resources 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 Natural Resources 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 Natural Resources 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 Natural Resources and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(9)(e) 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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 61

SENATE BILL NO. 353

BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 30:1103(2), (3), (6), and (9), 1104(A)(9), the introductory paragraph of (C), (C)(1), 1108(A)(1) and (B), 1110(C)(1)(a) through (e), and R.S. 19:2(12), and to enact R.S. 30:1103(12), relative to the Louisiana Geologic Sequestration of Carbon Dioxide Act; to provide certain definitions, terms, procedures, conditions, requirements, and effects; to provide for the powers and duties of the commissioner of conservation; to provide relative to storage facilities and operations; to provide relative to eminent domain and expropriation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1103(2), (3), (6), and (9), 1104(A)(9), the introductory paragraph of (C), (C)(1), 1108(A)(1) and (B), 1110(C)(1)(a) through (e), are hereby amended and reenacted and R.S. 30:1103(12) is hereby enacted to read as follows:

§1103. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Chapter:

(2) "Commissioner" has the same meaning as provided in R.S. 30:3(2)(1).

(3) "Gas" has the same meaning as provided in R.S. ~~30:3(5)~~**30:3(3)**.

(6) "Oil" has the same meaning as provided in R.S. ~~30:3(4)~~**30:3(7)**.

(9) "Storage facility" means the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the storage operation, ~~including pipelines owned or operated by the storage operator used to transport the carbon dioxide from one or more capture facilities or sources to the storage and injection site.~~ The underground reservoir component of the storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the commissioner for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape or migration of carbon dioxide.

(12) "Interested person" means any person who presently owns an interest within the area of, or proximate to, the tracts directly affected by the storage facility.

§1104. Duties and powers of the commissioner; rules and regulations; permits

A. The office of conservation's actions under this Chapter shall be directed and controlled by the commissioner. The commissioner shall have authority to:

(9) Approve conversion ~~of an~~ **to geologic storage facilities of hydrocarbon-bearing formations, including depleted oil formations as well as existing or pre-existing enhanced oil or gas recovery operation into a storage facility operations**, if necessary, taking into consideration prior approvals of the commissioner regarding such enhanced oil recovery operations.

C. Prior to the use of any reservoir for the storage of carbon dioxide and prior to the exercise of eminent domain by any person, firm, or corporation having such right under laws of the state of Louisiana, and as a condition precedent to such use or to the exercise of such rights of eminent domain, the commissioner, after public hearing pursuant to the provisions of R.S. 30:6, held in the parish where the storage facility is to be located, shall have found ~~all of~~ **at least one of** the following:

(1) That the reservoir sought to be used for the injection, storage, and withdrawal of carbon dioxide is suitable and feasible for such use, provided no reservoir, any part of which is producing or is capable of producing oil, gas, condensate, or other commercial mineral in paying quantities, shall be subject to such use, ~~unless all owners in such reservoir have agreed thereto. In addition, no reservoir shall be subject to such use unless either:~~ **any of the following applies:**

(a) **The reservoir or any part thereof sought to be used for storage under this Chapter is producing or is capable of producing oil, gas, condensate, or other commercial mineral in paying quantities, and all owners in such reservoir or relevant part thereof have agreed to such use.**

(b) The volumes of original reservoir, oil, gas, condensate, salt, or other commercial mineral therein which are capable of being produced in paying quantities have all been produced.

~~(b)(c)~~ Such reservoir has a greater value or utility as a reservoir for carbon dioxide storage than for the production of the remaining volumes of original reservoir oil, gas, condensate, or other commercial mineral, and at least three-fourths of the owners, in interest, exclusive of any "lessor" defined in R.S. 30:148.1, have consented to such use in writing.

§1108. Eminent domain, expropriation

A.(1) Any storage operator is hereby authorized, after obtaining any permit and any certificate of public convenience and necessity from the commissioner required by this Chapter, to exercise the power of eminent domain and expropriate needed property to acquire surface and subsurface rights and property interests necessary or useful for the purpose of constructing, operating, or modifying a storage facility and the necessary infrastructure including the laying, maintaining, and operating of pipelines for the

transportation of carbon dioxide to a storage facility, together with utility, telegraph, and telephone lines necessary and incidental to the operation of these storage facilities and pipelines, over private property thus expropriated; and have the further right to construct and develop storage facilities and the necessary infrastructure, including the laying, maintaining, and operating of pipelines along, across, over, and under any navigable stream or public highway, street, bridge, or other public place; and also have the authority, under the right of expropriation herein conferred, to cross railroads, street railways, and other pipelines, by expropriating property necessary for the crossing under the general expropriation laws of this state. The right to run along, across, over, or under any public road, bridge, or highway, as before provided for, may be exercised only upon condition that the traffic thereon is not interfered with, and that such road or highway is promptly restored to its former condition of usefulness, at the expense of the storage facility and the pipeline owner if different from the storage operator, the restoration to be subject also to the supervision and approval of the proper local authorities.

B. The exercise of the right of eminent domain granted in this Chapter shall not prevent persons having the right to do so from drilling through the storage facility in such manner as shall comply with the rules of the commissioner issued for the purpose of protecting the storage facility against pollution or invasion and against the escape or migration of carbon dioxide. Furthermore, the right of eminent domain set out in this Section shall not prejudice the rights of the owners of the lands, or minerals, ~~or other rights or interests therein as to all other uses not acquired for the storage facility and not reasonably necessary for the use of the acquired property.~~

§1110. Carbon Dioxide Geologic Storage Trust Fund

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

(1) A fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, for each ton of carbon dioxide injected for storage. This fee is to be determined based upon the following formula:

(a) $F \times \frac{120144}{M} < M$

(b) "F" is a per unit fee in dollars per ton set by the office of conservation.

(c) "~~120~~"**144**" is the minimum number of months over which a fee is to be collected.

(d) "M" is the ~~Maximum Payment~~ **maximum payment** of five million dollars and is the total amount of fees to be collected before the payment of the fee can be suspended as provided in this Section.

(e) The fee cannot exceed five million dollars divided by one hundred ~~twenty~~ **forty-four** divided by the total tonnage of carbon dioxide to be injected, ($\$5,000,000/\frac{120}{144}$) / total injection tonnage of carbon dioxide.

Section 2. R.S. 19:2(12) is hereby amended and reenacted to read as follows:

§2. Expropriation by state or certain corporations, limited liability companies, or other legal entities

Prior to filing an expropriation suit, an expropriating authority shall attempt in good faith to reach an agreement as to compensation with the owner of the property sought to be taken and comply with all of the requirements of R.S. 19:2.2. If unable to reach an agreement with the owner as to compensation, any of the following may expropriate needed property:

(12) Any domestic or foreign corporation, limited liability company, or other legal entity composed of such corporations or wholly owned subsidiaries thereof engaged in the injection of carbon dioxide for the underground storage of carbon dioxide approved by the commissioner of conservation. Property located in Louisiana may be so expropriated for the underground storage of carbon dioxide in connection with such storage facility projects located in Louisiana, including but not limited to surface and subsurface rights, mineral rights, and other property interests necessary or useful for the purpose of constructing, operating, or modifying a carbon dioxide storage facility or transporting carbon dioxide by pipeline to such storage facility. This Paragraph shall have no effect on nor does it grant expropriation of the mineral rights or other property rights associated with the approvals required for injection of carbon dioxide into enhanced recovery projects approved by the commissioner under R.S. 30:4.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 62

SENATE BILL NO. 386
BY SENATOR ALLAIN
AN ACT

To enact Part I of Chapter 6 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:401 through 403, relative to minerals, oil, and gas and environmental quality; to establish the Advisory Commission for Louisiana's Energy, Environment, and Restoration; to provide for a purpose; to provide for membership; to provide for an operational plan and

legislative recommendations; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Part I of Chapter 6 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:401 through 403, is hereby enacted to read as follows:

**TITLE 30. MINERALS, OIL, AND GAS AND ENVIRONMENTAL
QUALITY CHAPTER 6. MISCELLANEOUS PROVISIONS
PART I. ADVISORY COMMISSION FOR LOUISIANA'S ENERGY,
ENVIRONMENT, AND RESTORATION**

§401. Advisory Commission for Louisiana's Energy, Environment, and Restoration; purpose

There is hereby created the Advisory Commission for Louisiana's Energy, Environment, and Restoration within the Department of Natural Resources. The commission shall support programs designed to demonstrate to the general public the importance of the Louisiana oil and natural gas exploration, production, and service industry; encourage the wise and efficient use of energy; promote environmentally sound production methods and technologies; develop existing supplies of Louisiana's oil and natural gas resources; support research and educational activities concerning the oil and gas exploration and production industry; cause remediation of historical oilfield environmental problems; and to have such other authority as provided by law.

§402. Commission membership; domicile; chair; term; vacancies; quorum; compensation

A. The commission shall be composed of the following members:

(1)(a) One member appointed by the governor chosen from a list of three names submitted by the Louisiana Landowners Association board of directors.

(b) One member appointed by the governor chosen from a list of three names submitted by the Louisiana Oil and Gas Association board of directors.

(c) One member appointed by the governor chosen from a list of three names submitted by the Louisiana Mid-Continent Oil and Gas Association board of directors.

(2) Two members appointed by the speaker of the House of Representatives chosen from a list of six names submitted by the Louisiana Oil and Gas Association board of directors.

(3) Two members appointed by the president of the Senate chosen from a list of six names submitted by the Louisiana Mid-Continent Oil and Gas Association board of directors.

B. The commission shall be domiciled in East Baton Rouge Parish.

C. At the first meeting, to be held no later than September 1, 2020, the board shall elect a chair and any other officers it considers necessary for the effective operation of the commission.

D. The terms of the members shall be concurrent with that of the governor. Members may be re-appointed.

E. Vacancies shall be filled in the same manner as the original appointment.

F. A majority of the members of the commission shall constitute a quorum for the purpose of taking any action. Actions of the commission may be taken by an affirmative vote of the members of the commission present.

G. Members of the commission shall serve without compensation.

§403. Operational plan; legislative recommendations

A. The commission shall develop an operational plan and legislative recommendations for the 2021 Regular Session of the Legislature necessary to implement the operational plan by July 1, 2021.

B. Department and legislative staff shall assist the commission in developing the operational plan and legislative recommendations.

C. The operational plan of the commission and legislative recommendations shall be presented to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment no later than March 1, 2021.

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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 63

HOUSE BILL NO. 116
BY REPRESENTATIVE COX
AN ACT

To amend and reenact R.S. 13:5807(A)(15) and 5807.1(A)(introductory paragraph), to enact R.S. 13:5807(C), and to repeal R.S. 13:5807.1(D), relative to costs and fees; to provide relative to the fees of office of city marshals and constables; to increase fees that the city marshal of Natchitoches is entitled to charge for services provided in civil matters; to provide relative to the marshal's training and equipment fund; to provide relative to the use of the marshal's training and equipment fund; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5807(A)(15) and 5807.1(A)(introductory paragraph) are hereby amended and reenacted and R.S. 13:5807(C) is hereby enacted to read

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

as follows:

§5807. Fees and costs

A. Constables and marshals, except in Orleans Parish and as provided by R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees of office, and no more, in civil matters:

* * *

(15) ~~For~~ Notwithstanding any other provision of law, any services rendered or duties performed by the marshals or constables not otherwise herein specially provided for in this Subsection, they the marshals or constables shall be entitled to a fee or commission to be determined by agreement with the parties in interest or fixed by the court by rule tried in a summary manner in term time or in vacation.

* * *

C. Notwithstanding any other provision of law to the contrary, but otherwise in accordance therewith, the marshal of the city of Natchitoches shall be entitled to a fee of office of not less than ten dollars but not more than thirty dollars for each service rendered in civil matters. These fees shall be collected by the marshal and deposited in the marshal's training and equipment fund. The marshal's training and equipment fund shall be used to assist in the purchasing or updating of equipment and officer training necessary to carry out the efficient performance of all duties imposed by law on constables and marshals. The equipment and training fund shall be subject to and included in the marshal's annual audit. A copy of the audit shall be filed with the legislative auditor who shall make it available to the public.

§5807.1. Fees and costs; particular city marshals

A. Notwithstanding the provisions of R.S. 13:5807, the marshal of the city of Natchitoches, the marshal of the city of Minden, the marshal of the city of Springhill, the marshal of the city of Franklin, and the marshal of the city of Winnfield shall each be entitled to the following fees of office and no more in civil matters:

* * *

Section 2. R.S. 13:5807.1(D) is hereby repealed in its entirety.

Section 3. The imposition of court costs or fees as provided in this Act shall become effective on the date of Judicial Council approval; no fees shall be collected without Judicial Council approval.

Approved by the Governor, June 4, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 64

HOUSE BILL NO. 67
BY REPRESENTATIVES FONTENOT AND THOMPSON
AN ACT

To amend and reenact R.S. 14:34.2(B)(1) and (3), relative to battery of a police officer; to provide relative to the penalties for battery of a police officer; to increase the penalties for the offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:34.2(B)(1) and (3) are hereby amended and reenacted to read as follows:

§34.2. Battery of a police officer

* * *

B.(1)(a) Whoever commits the crime of battery of a police officer shall be fined not more than five hundred dollars and imprisoned not less than fifteen days nor more than six months without benefit of suspension of sentence.

(b) Whoever commits a second or subsequent offense of battery of a police officer shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than one year nor more than three years. At least fifteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

(3)(a) If the battery produces an injury that requires medical attention, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not less than one year nor more than five years, or both. At least thirty days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(b) If the battery produces an injury that requires medical attention, and the offense is a second or subsequent violation of the provisions of this Section, the offender shall be fined not more than two thousand dollars and shall be imprisoned with or without hard labor for not less than two years nor more than five years. At least sixty days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 65

HOUSE BILL NO. 109

BY REPRESENTATIVES MARINO, ADAMS, BACALA, BRYANT, CARPENTER, ROBBY CARTER, CORMIER, COX, FREIBERG, GREEN, ILLG, JONES, LARVADAIN, MINCEY, MOORE, SELDERS, AND STAGNI AN ACT

To amend and reenact R.S. 32:300.4(A), relative to smoking in a motor vehicle; to prohibit the use of any vaping device in a motor vehicle when a child is present in the vehicle; to expand the definition of "smoke"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:300.4(A) is hereby amended and reenacted to read as follows:

§300.4. Smoking in motor vehicles prohibited; penalties

A. It shall be unlawful for the operator or any passenger in a motor vehicle to smoke cigarettes, pipes, or cigars, or any vaping devices in a motor vehicle, passenger van, or pick-up truck, when a child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt, as required in R.S. 32:295, is also present in such vehicle, regardless of whether windows of the motor vehicle are down. For purposes of this Section, the term "smoke" shall mean inhaling, exhaling, burning, or carrying any activated aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 66

HOUSE BILL NO. 181 BY REPRESENTATIVE RISER AN ACT

To amend and reenact R.S. 30:961(E), relative to cooperative endeavor agreements for the withdrawal of surface water; to extend the time for entering cooperative endeavor agreements for withdrawal of surface water; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:961(E) is hereby amended and reenacted to read as follows: §961. Cooperative endeavor agreements; withdrawal of surface water; intent

* * *

E.(1) A cooperative endeavor agreement to withdraw running surface water, or an assignment of such, entered into pursuant to the provisions of this Chapter shall have an initial term not to exceed two years. No new cooperative endeavor agreement shall be entered into for which an application was received by the department after December 31, 2020; however, except as otherwise provided in this Subsection, existing Existing agreements may be renewed in two-year increments but shall terminate no later than December 31, 2028.

(2) A person or entity who has entered into a cooperative endeavor agreement to withdraw running surface waters or has obtained an assignment of such, may terminate such agreement after December 31, 2020 2022. In order to be effective, the person or entity seeking to terminate shall provide written notice by certified mail to the secretary at least thirty days prior to termination.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 67

HOUSE BILL NO. 164 BY REPRESENTATIVE DAVIS AN ACT

To amend and reenact R.S. 40:1133.14(B)(introductory paragraph) and (2), (C), and (E), 1135.3(C)(1)(c), and 1135.8(C)(4)(f), relative to emergency medical services; to provide for duties of emergency medical personnel in certain situations in which the life of a patient is threatened; to provide for protocols for rendering emergency medical services in such situations; to provide for approval of such protocols by emergency medical services medical directors; to provide relative to requirements for licensure as an ambulance provider; to provide relative to requirements for licensure as an air ambulance service; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1133.14(B)(introductory paragraph) and (2), (C), and (E), 1135.3(C)(1)(c), and 1135.8(C)(4)(f) are hereby amended and reenacted to read as follows:

§1133.14. Duties of emergency medical personnel

* * *

B. An emergency medical services practitioner student may, while he is enrolled in good standing in a state-approved state-approved clinical or field internship program under the direct supervision of a physician, registered nurse, paramedic, or other preceptor recognized by the bureau:

* * *

(2) Administer automated cardiac defibrillation in accordance with rules and regulations promulgated by the bureau in accordance with the Administrative Procedure Act and a protocol that shall be approved by the local parish medical society, or its a designee of the local parish medical society, and the local physician or the EMS medical director.

C. In a case of a life-threatening situation as determined by a licensed emergency medical services practitioner, when voice contact with a physician is delayed; or not possible, or when the delay in treatment could endanger the life of the patient, such a person may render services; in accordance with one of the following protocols until voice communication can be established at the earliest possible time:

(1) A protocol approved by the EMS medical director who is a board-certified or board-eligible emergency medicine physician.

(2) A protocol that shall be established by the emergency medical services committee or the executive committee of the parish or component medical society, or its designee, until voice communication can be established at the earliest possible time.

* * *

E. In the event that there is no organized or functional local parish medical society in a parish of the state, the provisions of functions provided for in Paragraph (C)(2) of this Section which require the approval of an emergency medical service protocol by the local parish medical society or its designee may be performed by a the EMS medical director, parish or multi-parish medical society which is adjacent or contiguous to the parish without an organized or functional local parish medical society. In the absence of such adjacent or contiguous parish or multi-parish medical society, the district medical society shall approve an emergency medical service protocol for the parish without an organized or functional local parish medical society.

§1135.3. Ambulance providers; licensure

* * *

C. An applicant seeking licensure as an ambulance provider shall:

(1) Submit a completed application to the department on such forms and including such information and supporting documentation as required by the department. Such information shall include:

* * *

(c) All medical protocols signed by the physician medical EMS medical director with their prescribed approvals or by the parish or component medical society.

* * *

§1135.8. Air ambulance services; licensure

* * *

C. An applicant seeking licensure as an air ambulance service shall:

* * *

(4) Submit to and successfully complete an inspection by the department to include the following:

* * *

(f) A review of medical protocols signed by the physician EMS medical director of the air ambulance service, accompanied by the necessary approvals of or the president or designee of the parish or component medical society in the service's parish of domicile.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 68

HOUSE BILL NO. 168 BY REPRESENTATIVE HODGES AN ACT

To amend and reenact R.S. 23:540(B)(5), relative to regulations affecting boilers; to exempt certain steam heating boilers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:540(B)(5) is hereby amended and reenacted to read as follows:

§540. Exemptions from provisions

* * *

B. The provisions of this Part are not applicable to any of the following:

* * *

(5) Steam heating boilers carrying not more than fifteen pounds pressure

used exclusively for noncommercial purposes located in any private home.

* * *

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 69

HOUSE BILL NO. 171
BY REPRESENTATIVE HUGHES
AN ACT

To enact R.S. 40:41(N), relative to vital records; to provide for disclosure of records by the state registrar of vital records; to authorize disclosure of certain records by the state registrar to the Department of Children and Family Services; to provide requirements and conditions relative to such disclosure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:41(N) is hereby enacted to read as follows:

§41. Disclosure of records

* * *

N. The state registrar shall issue the following records to the Department of Children and Family Services upon the written request of an office of the department:

(1) A certified copy of a birth certificate of a child placed in the custody of the Department of Children and Family Services.

(2) A certified copy of a death certificate of a child who was in the custody of the Department of Children and Family Services at the time of his death.

(3) A certified copy of a death certificate of a parent of a child placed in the custody of the Department of Children and Family Services.

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 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 70

HOUSE BILL NO. 178
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Article 893(E)(1)(b), (2), (3) (c), and (4), relative to suspension and deferral of sentence and probation in felony cases; to provide relative to the deferral of a sentence for certain drug offenses; to provide relative to dismissals of prosecution; to provide that the restriction that certain dismissals may occur only twice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 893(E)(1)(b), (2), (3)(c), and (4) are hereby amended and reenacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

* * *

E.(1)

* * *

(b) The court shall not defer a sentence under this provision for an offense or an attempted offense that is designated in the court minutes as a crime of violence pursuant to Article 890.3 or that is defined as a sex offense by R.S. 15:541, involving a child under the age of seventeen years or for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than ~~five~~ ten years or for a violation of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A).

(2) Upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution. The dismissal of the prosecution shall have the same effect as acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a habitual offender except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a prior offense for purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Paragraph shall occur only ~~once~~ twice with respect to any person.

* * *

(3)

* * *

(c) Dismissal under this Paragraph shall have the same effect as an acquittal for purposes of expungement under the provisions of Title XXXIV of this

Code and may occur only ~~once~~ twice with respect to any person.

(4) When a defendant, who has been committed to the custody of the Department of Public Safety and Corrections to serve a sentence in the intensive incarceration program pursuant to the provisions of Article 895(B) (3), has successfully completed the intensive incarceration program as well as successfully completed all other conditions of parole or probation, and if the defendant is otherwise eligible, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution, whether the defendant's sentence was suspended under Paragraph A of this Article or deferred under Subparagraph (1) of this Paragraph. The dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a habitual offender except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a prior offense for purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Subparagraph shall have the same effect as an acquittal for purposes of expungement under the provisions of Title XXXIV of this Code and may occur only ~~once~~ twice with respect to any person.

* * *

Approved by the Governor, June 5, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 71

HOUSE BILL NO. 179
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Articles 989 and 992 and to repeal Code of Criminal Procedure Article 978(E)(1)(d), relative to expungement; to provide relative to the expungement of certain crimes after a cleansing period; to remove the requirement that a person must be employed for a period of ten consecutive years; to provide for the expungement forms to be used; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 989 and 992 are hereby amended and reenacted to read as follows:

Art. 989. Motion for expungement forms to be used

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF
No.: _____ Division: " _____ "
State of Louisiana
vs.

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)
DOB: _____/_____/_____(MM/DD/YYYY)
GENDER: _____ Female _____ Male
SSN (last 4 digits): XXX-XX-_____
RACE: _____
DRIVER LIC.#: _____
ARRESTING AGENCY: _____
SID# (if available): _____
ARREST NUMBER (ATN): _____
AGENCY ITEM NO. _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure Article 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on _____/_____/_____(MM/DD/YYYY)
2. _____ YES _____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.
3. Mover was:
____ YES _____ NO Arrested, but it did not result in conviction
____ YES _____ NO Convicted of and seeks to expunge a misdemeanor
____ YES _____ NO Convicted of and seeks to expunge a felony
____ YES _____ NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

____ Yes _____ No ARRESTS THAT DID NOT RESULT IN CONVICTION
NO. 1 La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
() Time expired for prosecution _____
(MM/DD/YYYY)
() Not prosecuted for any offense

arising out of this charge.

- Pre-trial Diversion Program.
 - DWI Pre-Trial Diversion Program
- and 5 years have elapsed since the date of arrest.

- Charge dismissed
- Found not guilty/judgment of acquittal

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Time expired for prosecution _____ (MM/DD/YYYY)
- Not prosecuted for any

offense arising out of this charge.

- Pre-trial Diversion Program.
- Charge dismissed
- Found not guilty/judgment of acquittal

NO. 3 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Time expired for prosecution _____ (MM/DD/YYYY)
- Not prosecuted for any offense

arising out of this charge.

- Pre-trial Diversion Program.
- Charge dismissed
- Found not guilty/judgment of acquittal

Yes _____ **No** _____ **MISDEMEANOR CONVICTIONS**

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
- More than 5 years have passed

since completion of sentence.

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
- More than 5 years have passed

since completion of sentence.

Yes _____ **No** _____ **FELONY CONVICTIONS**

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
- More than 10 years have passed

since completion of sentence

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

- Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
- More than 10 years have passed

since completion of sentence

Yes _____ **No** _____ **OPERATING A MOTOR VEHICLE WHILE**

INTOXICATED CONVICTIONS

Mover has attached the following:

- A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5. Mover has attached to this Motion the following pertinent documents:

- Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 60 days (required).
- Bill(s) of Information (if any).
- Minute entry showing final disposition of case (if any).
- Certification Letter from the District Attorney for fee waiver (if eligible).
- Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.
- Certification Letter from the District Attorney verifying that the charges were refused.
- Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- A copy of the order waiving the sex offender registration and notification requirements.
- ~~Documentation verifying that the mover has been employed for ten consecutive years.~~
- A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a

prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

* * *

Art. 992. Order of expungement form to be used

**STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF**

No.: _____ Division: " _____ "
State of Louisiana
vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

- THE MOTION IS DENIED for No(s). _____, _____, _____ for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.

- Mover was convicted of one of the following ineligible felony offenses:
- A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

- An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
- An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.

- The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

- The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.
- Mover has had another record of felony conviction expunged during the previous fifteen-year period.

- Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.
- Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).

- Mover did not complete pretrial diversion.
- The charges against the mover were not dismissed or refused.

- Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 893(E).
- Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).

- Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

~~Mover has not been employed for ten consecutive years as required by C.Cr.P. Art. 978(E)(1)(d).~~

Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P. Art. 978(E)(1).

Mover has criminal charges pending against him.

Mover was convicted of a criminal offense during the ten-year period.

Denial for any other reason provided by law with attached reasons for denial.

THE MOTION IS HEREBY GRANTED for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____

(Last, First, MI)

DOB: ____/____/____ (MM/DD/YY)

GENDER: ____ Female ____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: ____/____/____ (MM/DD/YY)
THUS ORDERED AND SIGNED this ____ day of _____, 20____
at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District Attorney: _____

2. Arresting Agency: _____

3. Parish Sheriff: _____

4. Louisiana Bureau of Criminal Identification and Information _____

5. Attorney for Defendant (or defendant) _____

6. Clerk of Court _____

Section 2. Code of Criminal Procedure Article 978(E)(1)(d) is hereby repealed in its entirety.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 72

HOUSE BILL NO. 184

BY REPRESENTATIVES VILLIO AND STAGNI AND SENATOR SMITH
AN ACT

To authorize and provide for the lease of certain state property; to authorize the lease of certain state property in the city of Kenner, in Jefferson Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to lease

any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property, once released from the lease with the city of Kenner, in Jefferson Parish, or any property adjacent thereto, to the responsible offeror selected through a request for proposal developed and issued by the city of Kenner, in Jefferson Parish:

A parcel of state owned water bottom located on the south shore of Lake Pontchartrain located north of the city of Kenner being the area known as Laketown, more specifically shown on plat of State Lease #1298, containing approximately 40 acres, less area being leased to Treasure Chest Casino.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any lease, excluding mineral rights, with a term not to exceed ninety-nine years to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by the commissioner of administration in exchange for consideration proportionate to the appraised value of the property.

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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 73

HOUSE BILL NO. 194
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Articles 989, 992, and 993, relative to expungement; to provide with respect for expungement forms; to provide for the amendment of certain forms for expungement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 989, 992, and 993 are hereby amended and reenacted to read as follows:

Art. 989. Motion for expungement forms to be used

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No.: _____ Division: " _____"
State of Louisiana
vs.

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____

(Last, First, MI)

DOB: ____/____/____ (MM/DD/YYYY)

GENDER ____ Female ____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO. _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure Article 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on ____/____/____ (MM/DD/YYYY)

2. ____ YES ____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

____ YES ____ NO Arrested, but it did not result in conviction

____ YES ____ NO Convicted of and seeks to expunge a misdemeanor

____ YES ____ NO Convicted of and seeks to expunge a felony

____ YES ____ NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

____ Yes ____ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____

(MM/DD/YYYY)

() Not prosecuted for any offense arising out of this charge.

() Pre-trial Diversion Program.

() DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____

(MM/DD/YYYY)

() Not prosecuted for any offense arising out of this charge.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. 3 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____

(MM/DD/YYYY)

() Not prosecuted for any offense arising out of this charge.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

Yes No MISDEMEANOR CONVICTIONS

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

() More than 5 years have passed since completion of sentence.

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

() More than 5 years have passed since completion of sentence.

Yes No FELONY CONVICTIONS

NO. 1 La. Rev. Stat. Ann. § _____ : _____

() Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

() More than 10 years have passed since completion of sentence

() Received a first offender pardon for an eligible offense

NO. 2 La. Rev. Stat. Ann. § _____ : _____

() Conviction set aside/dismissed _____/_____/_____ pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

() More than 10 years have passed since completion of sentence

() Received a first offender pardon for an eligible offense

Yes No OPERATING A MOTOR VEHICLE WHILE

INTOXICATED CONVICTIONS

Mover has attached the following:

() A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5. Mover has attached to this Motion the following pertinent documents:

Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 60 days (required).

Bill(s) of Information (if any).

Minute entry showing final disposition of case (if any).

Certification Letter from the District Attorney for fee waiver (if eligible).

Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.

Certification Letter from the District Attorney verifying that the charges were refused.

Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.

A copy of a first offender pardon.

A copy of the order waiving the sex offender registration and notification requirements.

Documentation verifying that the mover has been employed for ten consecutive years.

A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana

Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

* * *

Art. 992. Order of expungement form to be used

**STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF**

No.: _____ Division: " _____ "
State of Louisiana
vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

The hearing conducted and evidence adduced herein, OR

Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s). _____, _____, _____ for the following reasons (check all that apply):

More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

More than ten years have not elapsed since Mover completed the felony conviction sentence.

Mover was convicted of one of the following ineligible felony offenses:

A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.

An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.

The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).

Mover did not complete pretrial diversion.

The charges against the mover were not dismissed or refused.

Mover's felony conviction was not set aside and dismissed pursuant

to C.Cr.P. Art. 893(E).

Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).

Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

Mover has not been employed for ten consecutive years as required by C.Cr.P. Art. 978(E)(1)(d).

Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P. Art. 978(E)(1).

Mover has criminal charges pending against him.

Mover was convicted of a criminal offense during the ten-year period.

Mover received a first offender pardon but for an ineligible offense.

Mover did not receive a first offender pardon.

Denial for any other reason provided by law with attached reasons for denial.

THE MOTION IS HEREBY GRANTED for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____

(Last, _____ First, _____ MD)

DOB: ____/____/____ (MM/DD/YY)

GENDER: _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: ____/____/____ (MM/DD/YY)

THUS ORDERED AND SIGNED this ____ day of _____, 20____

at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District Attorney: _____

2. Arresting Agency: _____

3. Parish Sheriff: _____

4. Louisiana Bureau of Criminal Identification and Information _____

5. Attorney for Defendant (or defendant) _____

6. Clerk of Court _____

Art. 993. Supplemental forms to be used

SUPPLEMENTAL SHEET

____ Yes ____ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Time expired for prosecution ____/____/____

(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

SUPPLEMENTAL SHEET

MISDEMEANOR CONVICTIONS

____ Yes ____ No **MISDEMEANOR CONVICTIONS**

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

NO. ____ La. Rev. Stat. Ann. \$ ____ : ____

Name of the offense _____

() Conviction set aside/dismissed ____/____/____

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed since completion of sentence.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 76

HOUSE BILL NO. 227
BY REPRESENTATIVE COUSSAN
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact R.S. 31:212.21, relative to production payments; to eliminate redundant terminology; to provide relative to the nature and classification of production payments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 31:212.21 is hereby amended and reenacted to read as follows:
§212.21. Nonpayment of production payment or royalties; notice prerequisite to judicial demand

If the owner of a ~~mineral~~ production payment created out of a mineral lessee's interest or a royalty owner other than a mineral lessor seeks relief for the failure of a mineral lessee to make timely or proper payment of royalties or the production payment, he must give his obligor written notice of such failure as a prerequisite to a judicial demand for damages.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 77

HOUSE BILL NO. 240
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and (D)(1), relative to the authority of the Louisiana Department of Health to conduct certain mortality reviews; to provide for the office of behavioral health to review deaths of persons receiving services through that office; to provide for definitions; to provide for the access of certain reports; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and (D)(1) are hereby amended and reenacted to read as follows:

§2020. Review of deaths of persons served by the Louisiana Department of Health

A. The legislature finds that:

(1) In accordance with best practices and national trends, it is recommended that the Louisiana Department of Health through the office for citizens with developmental disabilities, the office of behavioral health, and the office of aging and adult services monitor and review deaths of persons receiving services through the offices.

(2) Collection of data on the causes and circumstances of death of these persons will enable the office for citizens with developmental disabilities, the office of behavioral health, and the office of aging and adult services offices to initiate quality improvement and provider remediation in long-term care services in order to reduce mortality rates.

(3) A complete review of the information obtained by the office for citizens with developmental disabilities, the office of behavioral health, and the office of aging and adult services will enable the offices to identify patterns and systemic problems to support corrective actions and quality improvements in service delivery.

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

* * *

(2) "Health care provider" means a health care provider as defined in R.S. ~~13:3734(A)(1)~~ 13:3734(A)(2), a licensed mental health professional as defined in R.S. 40:2153, and other agencies licensed or certified by the department to deliver health care or related services.

(3) "Office" means the office for citizens with developmental disabilities, the office of behavioral health, or the office of aging and adult services within the Louisiana Department of Health.

C. The duties of the office for citizens with developmental disabilities and ~~the office of aging and adult services~~ shall be the following:

* * *

D.(1) Notwithstanding any other provision of law to the contrary, the Louisiana Department of Health, and each office provided for in Paragraph (B) (3) of this Section ~~office for citizens with developmental disabilities and office of aging and adult services~~, shall be authorized to access death certificates in the custody of the department, autopsy reports, coroner reports, and records of all service providers, including medical records in the custody of health care providers, of persons being served through the offices at the time of death.

* * *

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 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 78

HOUSE BILL NO. 241
BY REPRESENTATIVE JAMES
AN ACT

To amend and reenact Code of Criminal Procedure Articles 975 and 992 and to repeal Code of Criminal Procedure Articles 977(D) and 978(D), relative to expungements; to provide relative to the number of expungements a person may obtain in a certain period of time; to provide relative to the authority of certain persons to file for an expungement while incarcerated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Articles 975 and 992 are hereby amended and reenacted to read as follows:

Art. 975. Individuals incarcerated; ineligible to file motion to expunge records

~~Notwithstanding any other provision of law to the contrary, a~~ A person in the physical custody of the Department of Public Safety and Corrections, ~~or incarcerated in any correctional facility serving a sentence at hard labor~~ shall not be permitted to file a motion to expunge a record of an arrest which did not result in a conviction or to expunge a record of an arrest and conviction of a misdemeanor or felony offense.

* * *

Art. 992. Order of expungement form to be used
STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No.: _____ Division: " _____ "
State of Louisiana
vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

- Considering the Motion for Expungement
- The hearing conducted and evidence adduced herein, OR
 - Affidavits of No Opposition filed,
- IT IS ORDERED, ADJUDGED AND DECREED
- THE MOTION IS DENIED for No(s). __, __, __ for the following reasons (check all that apply):
 - More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
 - More than ten years have not elapsed since Mover completed the felony conviction sentence.
 - Mover was convicted of one of the following ineligible felony offenses:
 - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
 - An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
 - An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.
 - The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
 - ~~Mover has had another record of misdemeanor conviction expunged during the previous five-year period.~~
 - ~~The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.~~
 - ~~Mover has had another record of felony conviction expunged during the previous fifteen-year period.~~
 - Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.
 - Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
 - Mover did not complete pretrial diversion.
 - The charges against the mover were not dismissed or refused.
 - Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 893(E).
 - Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).

Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

Mover has not been employed for ten consecutive years as required by C.Cr.P. Art. 978(E)(1)(d).

Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P. Art. 978(E)(1).

Mover has criminal charges pending against him.

Mover was convicted of a criminal offense during the ten-year period.

Denial for any other reason provided by law with attached reasons for denial.

THE MOTION IS HEREBY GRANTED for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____
(Last, First, MI)
DOB: ____/____/____ (MM/DD/YY)
GENDER: ____ Female ____ Male
SSN (last 4 digits): XXX-XX-_____
RACE: _____
DRIVER LIC.# _____
ARRESTING AGENCY: _____
SID# (if available): _____
ARREST NUMBER (ATN): _____
AGENCY ITEM NUMBER: _____
ARREST DATE: ____/____/____ (MM/DD/YY)
THIS ORDERED AND SIGNED this ____ day of _____, 20____
at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District Attorney: _____
2. Arresting Agency: _____
3. Parish Sheriff: _____
4. Louisiana Bureau of Criminal Identification and Information _____
5. Attorney for Defendant (or defendant) _____
6. Clerk of Court _____

Section 2. Code of Criminal Procedure Articles 977(D) and 978(D) are hereby repealed in their entirety.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 79

HOUSE BILL NO. 257

BY REPRESENTATIVE MUSCARELLO

Provides relative to the form of payment for expungement of a record
AN ACT

To amend and reenact Code of Criminal Procedure Article 983(A), relative to expungement of records; to provide relative to the costs of expungement of a record; to provide that the payment may be made by money orders or checks issued by a law firm or an attorney; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
PAGE 40

* As it appears in the enrolled bill

Section 1. Code of Criminal Procedure Article 983(A) is hereby amended and reenacted to read as follows:

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

A. Except as provided for in Articles 894 and 984, the total cost to obtain a court order expunging a record shall not exceed five hundred fifty dollars. Payment may be made by United States postal money orders or money orders issued by any state or national bank or by checks issued by a law firm or an attorney.

* * *

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 80

HOUSE BILL NO. 392

BY REPRESENTATIVE MCFARLAND

Removes a specific function of the office of forestry and certain authority of the Louisiana Forestry Commission related to production and prices of forest tree seedlings grown by the department

AN ACT

To amend and reenact R.S. 36:628(F) and to repeal R.S. 3:4303, relative to the functions and duties of the office of forestry and the Louisiana Forestry Commission; to remove the function of seedling production from the office of forestry; to remove the Louisiana Forestry Commission's authority to set prices for the sale of forestry seedlings grown by the Louisiana Department of Agriculture and Forestry's nurseries; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:628(F) is hereby amended and reenacted to read as follows:
§628. Offices; purposes and functions

* * *

F. The office of forestry, under the direction of the commissioner, shall perform the functions of the state relating to the practice of forestry, in accordance with the policies established by the forestry commission, including the administration and supervision of the programs of the state for the protection, management, and preservation of this natural resource ~~including the production of seedlings and other propagation stock~~; shall execute the state laws relating to forestry and reforestation; and shall cooperate with the United States Forest Service in accordance with law.

* * *

Section 2. R.S. 3:4303 is hereby repealed in its entirety.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 81

HOUSE BILL NO. 393

BY REPRESENTATIVE MCFARLAND

Provides for the commissioner's authority to regulate cooperative agreements within the Louisiana Forestry Productivity Program

AN ACT

To amend and reenact R.S. 3:4412(C), relative to the Louisiana Forestry Productivity Program; to provide for the duties and powers of the commissioner of agriculture relative to cooperative agreements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:4412(C) is hereby amended and reenacted to read as follows:
§4412. Assistance through cooperative agreements

* * *

C. The commissioner shall ~~determine~~ promulgate rules and regulations in accordance with the Administrative Procedure Act to establish the extent of the state's involvement in each cooperative agreement which shall not exceed fifty percent of the cost of the cooperative agreement or a total value of assistance of ten thousand dollars to any one with a landowner during a fiscal year.

Approved by the Governor, June 5, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 82

HOUSE BILL NO. 394

BY REPRESENTATIVE MCFARLAND

Provides relative to the State Forestry Commission's comprehensive management plan for the Alexander State Forest and Indian Creek

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

AN ACT

To amend and reenact R.S. 3:4402(A), relative to the comprehensive forest and recreational management plan for the Alexander State Forest and Indian Creek; to require the State Forestry Commission to adopt the management plan to post on the Louisiana Department of Agriculture and Forestry's website and publish in the Potpourri section of the Louisiana Register; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4402(A) is hereby amended and reenacted to read as follows:

§4402. Management plan

A. The State Forestry Commission shall, ~~by rule, in accordance with the Administrative Procedure Act with oversight by the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development,~~ adopt a comprehensive forest and recreational management plan for the Alexander State Forest and Indian Creek Lake to post on the department's website and publish in the Potpourri section of the Louisiana Register.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 83

HOUSE BILL NO. 406

BY REPRESENTATIVE HUVAL

AN ACT

To enact R.S. 36:204(B)(1)(a)(iv), relative to the Department of Culture, Recreation and Tourism; to provide relative to the authority of the secretary to take personnel actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:204(B)(1)(a)(iv) is hereby enacted to read as follows:

§204. Powers and duties of secretary of culture, recreation and tourism

* * *

B. The secretary shall have authority to:

(1)(a) Except as otherwise specifically provided in R.S. 36:801 and 801.1:

* * *

(iv) If there is a vacancy in the assistant secretary position for an office, employ, appoint, remove, assign, and promote personnel of the office as necessary for the efficient administration of the office and its programs and the performance of its powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations and with policies and rules of the department, all subject to budgetary control and applicable laws.

* * *

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 84

HOUSE BILL NO. 442

BY REPRESENTATIVES MCFARLAND, ADAMS, BAGLEY, CARPENTER, CARRIER, GARY CARTER, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FREIBERG, GADBERRY, GREEN, HARRIS, HORTON, ILLG, JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, LACOMBE, LARVADAIN, MACK, MCMAHEN, GREGORY MILLER, MINCEY, MOORE, CHARLES OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SELDERS, THOMPSON, TURNER, WHEAT, WHITE, WRIGHT, AND ZERINGUE

AN ACT

To amend and reenact R.S. 32:387(C)(3)(d)(ii)(bb) and (cc), relative to timber harvest season permits; to modify the total excess gross axle weight authorized for vehicles owned or operated by a permittee; to designate a maximum speed limit authorized on the public highways of this state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:387(C)(3)(d)(ii)(bb) and (cc) are hereby amended and reenacted to read as follows:

§387. Special permits

* * *

C.

* * *

(3)

* * *

(d)

* * *

(ii) An applicant for a timber harvest season permit shall have the option to pay a one-time fee of one hundred dollars to the secretary for each harvest year for the issuance of such permit. Notwithstanding any provision of law

to the contrary, any vehicle or combination of vehicles owned or operated by a timber harvest season permittee who paid one hundred dollars for the permit shall:

* * *

(bb) Not be assessed a penalty for exceeding its maximum permissible axle weight, as determined by law, provided the total excess gross weight is ~~ten percent or less of the vehicle's maximum permissible gross weight~~ does not exceed ninety-two thousand pounds.

(cc) Not exceed ~~the posted maximum speed limit~~ fifty-five miles per hour on the public highways of this 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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 85

HOUSE BILL NO. 461

BY REPRESENTATIVE ZERINGUE

AN ACT

To authorize and provide for the exchange of certain state property; to authorize the commissioner of administration and the secretary of the Department of Wildlife and Fisheries to exchange certain state property in St. Mary Parish and West Feliciana Parish with the United States Fish and Wildlife Service for property located in Terrebonne Parish; to provide for the property descriptions; to provide for reservation of mineral rights; to provide for terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration and the secretary of the Department of Wildlife and Fisheries, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcels of property to the United States Fish and Wildlife Service:

A certain tract or parcel of land, together with all of the buildings and improvements thereon, situated in Section 33, T13S, R10E, SWD, Parish of St. Mary, State of Louisiana and Being more particularly described as follows:

Commence at the northwest point of said tract being NAD 1983 CORS96 State Plane Louisiana South coordinates X=3242147.16 Y=500937.07 thence run in a easterly direction on a bearing of N 84°10'57" E a distance of 228.97' to the northeast corner located at State Plane coordinates X=3242374.96,Y=500960.28, thence in a southerly direction on a bearing of S 02°11'36" E a distance of 140.78' to the southeast corner located at State Plane coordinates X= 3242380.35, Y=500819.60, thence in a westerly direction on a bearing of S 85°58'36" W a distance of 226.09' to the southwest corner located at State Plane coordinates X=3242154.82, Y=500803.74, thence in a northerly direction on a bearing N 03°17'03" W a distance of 133.55' to the point of beginning, said tract comprising of the north 0.7 acres of the 3.0 acre tract being more particularly described on plat entitled "Proposed Site Headquarters Attakapas Island Outdoor Recreation Area" prepared by Louisiana Department of Public Works, Baton Rouge, LA. dated Sept. 12, 1975 - File No. LS6-1C.

and

The fractional west half of Section 7 T3S-R3W of the Parish of West Feliciana, State of Louisiana.

Section 2. In exchange for the properties described in Section 1 of this Act, the commissioner of administration and the secretary of the Department of Wildlife and Fisheries are hereby authorized to accept from the United States Fish and Wildlife Service title to the following described parcel of property:

A certain tract of land situated in Section 66, T 17 S - R 16 E, Terrebonne Parish, Louisiana, containing one (1) acre and being embraced within the points "E-F-G-H-E", as shown on the "Map Showing Property to Be Acquired in Sec. 66, T 17 S - R 16 E, by the Saint Anthony Broadcasting Co., Shown by Letters A, B, C, D, and E, F, G, H, Located within Terrebonne Parish, Louisiana", prepared by the office of T. Baker Smith & Son, Inc., Civil & Consulting Engineers, Houma, Louisiana, approved by Wm. Clifford Smith, C. E., dated February 1, 1971, a copy of which is recorded at Entry Number 401446, Terrebonne Parish, which said tract is more particularly described as follows: Commence at Point E, which said Point E is situated N 74 , 15' W, a distance of 885.77 feet from the northwest corner of Section 65, T 17 S - R 17 E, Terrebonne Parish, Louisiana, as shown and depicted on the said plat, thence S 01 38' 25" E a distance of 208.94 feet to Point F, thence S 67 05' 35" W a distance of 223.48 feet to Point G, thence N 01 38' 25" W a distance of 208.94 feet to Point H, which said Point H is situated on the southern right of way line of Highway 90, thence along the said southern right of way line

of Highway 90, N 67' 05' 35" E a distance of 223.48 feet to Point E, the point of beginning, together with all buildings and improvements thereon, as well as all rights, ways, privileges and servitudes and appurtenances thereunto belonging or in anywise appertaining.

Section 3. The commissioner of administration and the secretary of the Department of Wildlife and Fisheries are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and the secretary of the Department of Wildlife and Fisheries and the United States Fish and Wildlife Service, in exchange of consideration proportionate to the appraised value of the property.

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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 86

HOUSE BILL NO. 476
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 25:822(A)(11) and R.S. 51:1256(B)(introductory paragraph), (2)(g), and (3)(b) and 1257(C) and to repeal R.S. 51:1256(B)(2)(i), relative to boards and commissions; to provide relative to the Louisiana Folklife Commission; to provide relative to the Louisiana Tourism Development Commission; to provide relative to the membership of the commissions; to provide relative to the submission of nominations to fill certain vacancies; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:822(A)(11) is hereby amended and reenacted to read as follows:

§822. Louisiana Folklife Commission; creation; membership; confirmation and reconfirmation; terms; officers; vacancies; compensations; meetings; quorum; domicile

A. Creation; membership. The Louisiana Folklife Commission is hereby created within the office of cultural development of the Department of Culture, Recreation and Tourism. The commission shall be composed of twenty-one voting members, eighteen of whom shall be appointed by the governor and three of whom shall be ex officio members. Each appointment by the governor shall be submitted to the Senate for confirmation. The commission shall be composed as follows:

* * *

(11) One member shall be the executive director of the Louisiana Committee Endowment for the Humanities or his designee.

* * *

Section 2. R.S. 51:1256(B)(introductory paragraph), (2)(g) and (3)(b) and 1257(C) are hereby amended and reenacted to read as follows:

§1256. Creation of the Louisiana Tourism Development Commission; domicile; composition; membership; confirmation; terms; vacancy

* * *

B. The commission shall be composed of ~~twenty-one~~ twenty members.

* * *

(2) The following organizations shall each submit a list of four names to the lieutenant governor, from which the lieutenant governor shall appoint one individual from each organization for membership on the commission:

* * *

(g) The Louisiana Travel ~~Promotion~~ Association.

* * *

(3) The following organizations shall each submit a list of eight names to the lieutenant governor, from which the lieutenant governor shall appoint two individuals from each organization for membership on the commission:

* * *

(b) Louisiana ~~Hotel-Motel~~ Hotel and Lodging Association.

* * *

§1257. Commission duties and responsibilities; meetings

* * *

C. In addition to the responsibilities outlined above, the commission shall submit to the lieutenant governor a list of at least three, but not more than five qualified nominees from among eligible applicants to fill a vacancy for the position of assistant secretary.

* * *

Section 3. R.S. 51:1256(B)(2)(i) is hereby repealed in its entirety.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 87

HOUSE BILL NO. 481
BY REPRESENTATIVE MAGEE
AN ACT

To enact R.S. 24:515.2, relative to the legislative auditor; to require the legislative auditor to develop a uniform, standardized format for certain audit reports; to provide relative to the audit reports of local and state auditees that assess, collect, or receive revenue from pre- or post-adjudication costs, fines, and fees; to provide for the duties and authority of the legislative auditor and the Louisiana Supreme Court in this regard; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:515.2 is hereby enacted to read as follows:

§515.2. Uniform audit reporting for court costs, fines, and fees

A. The legislature hereby recognizes that the reporting of court costs, fines, and fees is fragmented and does not provide a comprehensive picture of certain judicial finances and the costs of operating the judicial system. Therefore, it is the intent of the legislature in the interest of the public to require the legislative auditor, by generally accepted auditing standards, to develop a uniform format for audit reports for all local and state auditees that assess, collect, or receive revenue from pre- or post-adjudication costs, fines, and fees, and which requires the reporting of certain information that helps to provide a more complete and accurate understanding of the types of costs, fines, and fees that are assessed, the amounts of the assessments, how the assessed amounts are collected and disbursed, and the cost of collecting the assessed amounts.

B. In order to fulfill the purposes of this Section, the legislative auditor and the Louisiana Supreme Court shall require that such uniform audit reports for the auditees described in Subsection A of this Section include, at a minimum, the amounts of all pre- and post-adjudication court costs, fines, and fees assessed or imposed; the amounts collected; the amounts outstanding; the amounts retained; the amounts disbursed; and the amounts received from disbursements.

C. The legislative auditor, jointly with the Louisiana Supreme Court, shall develop, supervise, and require the use of uniform, standardized, and consistent terminology for use in reporting on pre- and post-adjudication court costs, fines, and fees in order to provide for clarity.

D. Notwithstanding any provision of law to the contrary, local and state auditees described in Subsection A of this Section shall commence to use the uniform audit reports developed by the legislative auditor pursuant to the provisions of this Section by the end of Calendar Year 2020 for such local and state auditees on a calendar year schedule, or Fiscal Year 2020-2021 for such local and state auditees on a fiscal year schedule. The legislative auditor, jointly with the Louisiana Supreme Court, shall develop reporting schedules to assist such local and state auditees with standardized and uniform reporting requirements as provided for in this Section. Such reporting schedules shall be deposited with the legislative auditor.

E. The legislative auditor shall review the reporting schedules on an annual basis and shall revise the reporting schedules, jointly with the Louisiana Supreme Court, as circumstances deem necessary.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 88

HOUSE BILL NO. 589
BY REPRESENTATIVE ECHOLS
AN ACT

To enact Part V of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1255.1 and 1255.2, and R.S. 46:460.51(17) and 460.54(G), relative to the medical assistance program of this state known commonly as Medicaid; to provide for duties of the Louisiana Department of Health in administering the state Medicaid program; to provide relative to Medicaid coverage of telehealth services; to provide for the establishment and periodic review of Medicaid policies concerning telehealth services; to provide for policies and procedures in the Medicaid managed care program addressing telehealth services; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1255.1 and 1255.2, is hereby enacted to read as follows:

PART V. TELEHEALTH SERVICES IN MEDICAID

§1255.1. Definitions

As used in this Part, the following terms have the meaning ascribed to them

in this Section:

(1) "Department" means the Louisiana Department of Health.

(2) "Medicaid" means the medical assistance program provided for in Title XIX of the Social Security Act.

(3) "Medicare" means the federal health insurance program provided for in Title XVIII of the Social Security Act.

(4) "Telehealth" has the meaning ascribed in R.S. 40:1223.3. §1255.2. Telehealth services; alignment of reimbursement with Medicare policy

A. The department shall periodically review policies regarding Medicaid reimbursement for telehealth services to identify variations between permissible reimbursement under that program and reimbursement available to healthcare providers under the Medicare program.

B. To the extent practicable, notwithstanding any other law to the contrary, after conducting a review provided for in Subsection A of this Section, the department may modify its administrative rules, policies, and procedures applicable to Medicaid reimbursement for telehealth services as necessary to provide for a reimbursement system that is comparable to that of the Medicare program for those services.

Section 2. R.S. 46:460.51(17) and 460.54(G) are hereby enacted to read as follows:

§460.51. Definitions

As used in this Part, the following terms have the meaning ascribed in this Section unless the context clearly indicates otherwise:

(17) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.

§460.54. Medicaid policies and procedures; procedure for adoption; required content

G. The department shall include in its Medicaid policies and procedures all of the following information relating to telehealth:

(1) An exhaustive listing of the covered healthcare services which may be furnished through telehealth.

(2) Processes by which providers may submit claims for reimbursement for healthcare services furnished through telehealth.

(3) The conditions under which a managed care organization may reimburse a provider or facility that is not physically located in this state for healthcare services furnished to an enrollee through telehealth.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 89

HOUSE BILL NO. 592
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 49:214.2(10) and 214.6.2(D)(7) and to enact R.S. 39:1367(E)(2)(b)(viii) and R.S. 49:214.5.4(G)(10) and (J), relative to coastal protection and restoration; to authorize the Coastal Protection and Restoration Authority to issue bonds and incur debt; to allow repayment of such debt from the Coastal Protection and Restoration Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1367(E)(2)(b)(viii) is hereby enacted to read as follows:
§1367. State debt; limitations

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

(2)

(b) "Net state tax supported debt" shall not mean:

(viii) Any bond, note, or other evidence of indebtedness issued by the Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Financing Corporation.

Section 2. R.S. 49:214.2(10) and 214.6.2(D)(7) are hereby amended and reenacted and R.S. 49:214.5.4(G)(10) and (J) are hereby enacted to read as follows:§214.2. Definitions

As used in this Part, the following terms shall have the meanings ascribed to them below:

(10) "Infrastructure" means ~~publicly owned~~ facilities or systems in the coastal area that are negatively impacted by coastal land loss or rising seas, and that serve a critical public purpose and are consistent with the priorities stated in the master plan and the eligible uses of the Gulf of Mexico Energy Security Act of 2006. The term shall not include levee, hurricane protection, or coastal restoration systems.

§214.5.4. Funding and resource allocation

G. The money in the Coastal Protection and Restoration Fund is subject to appropriations by the legislature for the purposes of integrated coastal protection. The money in the fund may be used only for those projects and programs which are consistent with the statement of intent, R.S. 49:214.1, and the annual plan as it pertains to the integrated coastal protection and may include but not be limited to the following purposes:

(10) Payment of debt service or other payment obligations required in connection with bonds or other debt obligations of the Coastal Protection and Restoration Authority.

J. The authority is authorized to create one or more construction or project funds within the Coastal Protection and Restoration Fund, into which may be deposited the proceeds of any bonds or other debt obligations of the authority. Such construction or project funds may be maintained by the authority or any fiduciary appointed in connection with the authority only for the purpose or purposes for which such bonds or other debt obligations are issued. Funds held in any such construction or project fund shall not be subject to the other requirements of this Section.

§214.6.2. Functions and responsibilities; coastal activities

D. The authority may:

(7) Take any other action necessary to administer any plans, projects, policies, or programs consistent with the master plan or any annual plan, including but not limited to issuing bonds or incurring other debt obligations, provided that such bonds or other debt obligations shall be subject to the approval of and sold by the State Bond Commission in accordance with the provisions of R.S. 39:1403.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 90

HOUSE BILL NO. 699
BY REPRESENTATIVE PIERRE
AN ACT

To enact R.S. 49:191(12)(b) and to repeal R.S. 49:191(9)(g), relative to the Department of Transportation and Development, including provisions to provide for the re-creation of the Department of Transportation and Development 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 Transportation and Development 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 Transportation and Development 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 Transportation and Development 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 Transportation and Development and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(9)(g) 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 5, 2020.

ACT No. 91

HOUSE BILL NO. 691
BY REPRESENTATIVE LYONS
AN ACT

To reenact R.S. 30:2551 and 2552(A) and (C), to amend and reenact R.S. 30:2552(B) and Section 22 of Act No. 612 of the 2018 Regular Session, and to repeal R.S. 30:2552(A), (B), and (C) as amended by Section 9 of Act No. 612 of the 2018 Regular Session, relative to brownfields cleanup and redevelopment; to reinstate the Brownfields Cleanup Revolving Loan Fund and program; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2551 and 2552(A) and (C) are hereby reenacted and R.S. 30:2552(B) is hereby amended and reenacted as follows:

§2551. Brownfields Cleanup Revolving Loan Fund; purpose

A. The legislature finds and declares that the cleanup, redevelopment, and reuse of brownfields sites in the state should be encouraged and facilitated for the benefit of the state's citizens by way of economic development, health, and aesthetics. The legislature further finds and declares that providing loans for cleanup of brownfields sites will result in benefits to the public by reducing risk to public health and the environment.

B.(1) In furtherance of that purpose, there is hereby established a fund in the state treasury to be known as the "Brownfields Cleanup Revolving Loan Fund" hereafter referred to as the "fund", which shall be maintained and operated by the Department of Environmental Quality. Grants from the federal government or its agencies allotted to the state for the capitalization of the fund and state funds when available shall be deposited directly in or credited to the account of the fund in compliance with the terms of the federal or state grant or state appropriation.

(2) Money in, credited to the account of, or to be received by the fund shall be expended in a manner consistent with terms and conditions of the grants and other sources of said deposits and credits and of all applicable federal and state legislation and may be used:

(a) To make loans from the fund at or below market interest rates.

(b) To provide assistance to a political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity to remediate eligible brownfields' properties, except as provided in Subsection C of this Section.

(c) To fund other brownfields-related programs authorized by the terms of the grants and appropriations.

(d) To fund other programmatic activities of the department to develop and operate the revolving loan program.

(e) To provide for any other expenditure consistent with the federal grant program and state law.

(3) Money not currently needed for the operation of the fund or otherwise dedicated may be invested in an interest bearing account. All such interest earned on investments shall be credited to the fund.

C. Responsible persons shall not be eligible to apply for or receive loans pursuant to this Part.

D. The fund shall be administered by the department, which is authorized to enter into contracts and other agreements in connection with the operation of the fund. The department shall maintain full authority for the operation of the fund in accordance with applicable federal and state law.

E. Prior to making a loan, the department shall determine that the applicant has the ability to repay the loan. Further, the department may require security for loans made pursuant to this Part. The secretary is authorized to adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Part. These rules shall include but not be limited to:

(1) Eligibility requirements of the entity or person and properties.

(2) Criteria for ranking and selecting applicants.

(3) Procedures for making and repaying loans.

(4) Requirement of security for loans to eligible non-profits and private entities.

(5) Establishment of procedures for interest rates on loans.

G. As used in this Part, the following terms shall have the meaning ascribed to them in this Subsection, unless the context clearly indicates otherwise:

(1) "Brownfields site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(2) "Loan" means a loan of money from the Brownfields Cleanup Revolving Loan Fund.

(3) "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized principally for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.

(4) "Responsible person" means responsible person or responsible owner as those terms are defined in R.S. 30:2285.2.

H. The department shall provide an annual report of all loans made, a status of loan repayments, and a report of monies expended from the fund to

the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality.

§2552. Brownfields Cleanup Revolving Loan Fund Program; authority to make loans and grants; incur debt; tax exemption

A. Any political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity, except as provided in R.S. 30:2551(C), is hereby authorized to make loans from and incur debt payable to the department in accordance with the provisions of this Section. The making of a loan from the Brownfields Cleanup Revolving Loan Fund and the issuance of debt evidencing such loan by any political subdivision, eligible nonprofit organization, or eligible private entity shall be approved by the State Bond Commission. This Section shall not be deemed to be the exclusive authority under which a political subdivision, eligible nonprofit organization, or eligible private entity may borrow money from or incur indebtedness to the department. The department shall aggressively pursue leveraging of all funds to the maximum amount allowable by law.

B. All bonds, notes, or other evidence of indebtedness of any political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity issued to represent a loan from the department or the fund shall be authorized and issued pursuant to a resolution of the governing authority of such entity, which resolution shall prescribe the form and details thereof, including the terms, security for, manner of execution, repayment schedule, and redemption features thereof, and such resolution may provide that an officer of such entity may execute in connection with such obligation any related contract, including but not limited to a credit enhancement device, indenture of trust, loan agreement, pledge agreement, or other agreement or contract needed to accomplish the purposes for which ~~said~~ the evidence of indebtedness is given, in substantially the form attached to said resolution, but which final executed credit enhancement device, indenture of trust, loan agreement, pledge, or other contract or agreement may contain such changes, additions, and deletions as shall in the sole opinion of the executing officer be appropriate under the circumstances. Any such resolution shall include a statement as to the maximum principal amount of any such obligation, the maximum interest rate to be incurred or borne by ~~said~~ the obligation or guaranteed by ~~said~~ the obligation, the maximum redemption premium, if any, and the maximum term in years for such obligation, guarantee, or pledge.

C. Notwithstanding any other provision of law to the contrary, a political subdivision, public trust, quasi governmental organization, or eligible nonprofit entity, upon entering into a loan in accordance with the fund as provided in R.S. 30:2551, may dedicate and pledge a portion of any revenues it has available to it, including but not limited to revenues from the general revenue fund, sales taxes, assessments, or property taxes of the political subdivision, for a term not exceeding twenty years from the date of project completion for repayment of the principal of, interest on, and any premium, administrative fee, or other fee, or cost imposed by the department in connection with such loan.

* * *

Section 2. Section 22 of Act No. 612 of the 2018 Regular Session is hereby amended and reenacted to read as follows:

Section 22. R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 ~~and 2551~~, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, 2731, 2742(D), and 2901, R.S. 47:120.39 and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as amended by Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature, Sections 3(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section 4(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section 4(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section 4(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature are hereby repealed in their entirety.

Section 3. R.S. 30:2552(A), (B), and (C) as amended by Section 9 of Act No. 612 of the 2018 Regular Session are hereby repealed.

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 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 92

HOUSE BILL NO. 758
BY REPRESENTATIVE ZERINGUE
AN ACT

To enact R.S. 38:2211(A)(14) and 2248(C), relative to payment of obligations arising under public contracts; to allow certain public entities to withhold liquidated damages for public works contracts under certain circumstances; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2211(A)(14) and 2248(C) are hereby enacted to read as follows:

§2211. Definitions

A. As used in this Chapter unless the context clearly indicates otherwise, the following terms shall mean:

* * *

(14) "Liquidated Damages" means a fixed sum of damages stipulated in a public works construction contract that are intended to compensate a public entity as a result of a delay in performance by the contractor and may be assessed for a project not being substantially complete within the time provided for by the public works contract.

* * *

§2248. Provisions for withholding payment; effect on liability of contractor or agency; punch list; liquidated damages

* * *

C. Notwithstanding any provision of law to the contrary, a public entity letting a public works construction contract for a flood protection project or for an integrated coastal protection project as defined in R.S. 49:214.2, as per the terms of the contract, may withhold liquidated damages from any payments or monies otherwise due to the contractor, taking into consideration all granted time extensions, after the expiration of the forty-five day period set forth in R.S. 38:2242(B).

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 93

HOUSE BILL NO. 780
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 32:414.2(A)(2)(c) through (h) and to enact R.S. 32:414.2(A)(2)(i) and (F), relative to commercial motor vehicle driver's and learner's permit holders; to provide for disqualification from operating a commercial motor vehicle for committing certain felonies; to provide for disqualification under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414.2(A)(2)(c) through (h) are hereby amended and reenacted and R.S. 32:414.2(A)(2)(i) and (F) are hereby enacted to read as follows:

§414.2. Commercial motor vehicle drivers and drivers with a commercial learner's permit; disqualification; issuance of Class "D" or "E" license; alcohol content in breath and blood; implied consent

A.

* * *

(2) Any person shall be disqualified for life from operating a commercial motor vehicle for:

* * *

(c) Use of a commercial motor vehicle in the commission of a felony involving sex trafficking as defined in 22 U.S.C. 7102.

(e)(d)(i) A second reported submission to a chemical test in connection with an arrest for the offense of operating under the influence of alcohol, operating with an alcohol concentration of 0.08 percent or more, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

(ii) A second reported submission to a chemical test by a commercial driver's license holder in connection with a traffic stop where the driver was found to have been driving under the influence of alcohol with an alcohol concentration of at least 0.04 percent but under an alcohol concentration of 0.08 percent while operating a commercial motor vehicle. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

(iii) A second reported conviction of operating under the influence of

alcohol, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

(d)(e) A second offense of leaving the scene of an accident in a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

(e)(f) A second offense of refusal to submit to an alcohol concentration or drug test, while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

(f)(g) Two or more of any combination of the offenses listed in Paragraph (A) (4) (4) of this Subsection, which arise from different episodes.

(g)(h) A second offense of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is suspended, revoked, canceled, or disqualified.

(h)(i) A second offense of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the offenses of manslaughter, negligent homicide, and vehicular homicide.

* * *

F.(1)(a) If the office of motor vehicles receives credible information that a holder of a commercial license plate or commercial driver's license is suspected, but has not been convicted, of fraud related to the issuance of the commercial license plate or commercial driver's license, the office of motor vehicles shall require the driver to retake the skills or knowledge test, or a combination of both tests.

(b) Within thirty days of receiving a retest notification from the office of motor vehicles, the holder suspected of fraudulently obtaining a commercial license plate or commercial driver's license shall make an appointment or otherwise schedule to take the next available test. The office of motor vehicles shall disqualify the commercial license plate or commercial driver's license holder's driving privileges indefinitely if the holder of a commercial license plate or commercial driver's license fails to schedule a retest appointment within thirty days.

(c) The office of motor vehicles shall disqualify the commercial license plate or commercial driver's license holder's driving privileges indefinitely if the driver fails the knowledge or skills test or does not retake the test.

(2) Once the holder of a commercial license plate or commercial driver's license has been disqualified, the driver shall apply for a commercial license plate or commercial driver's license as a new applicant in accordance with R.S. 32:408.

(3) The office of motor vehicles shall disqualify the commercial license plate or commercial driver's license holder's driving privileges indefinitely if the driver fails to surrender the credentials for replacement when required by the office of motor vehicles.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 94

HOUSE BILL NO. 828
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:1931.13 and R.S. 40:1429, relative to the insurance fraud investigation unit within the Department of Public Safety and Corrections; to extend the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act; to extend the termination date of the insurance fraud investigation unit; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1931.13 is hereby amended and reenacted to read as follows:

§1931.13. Termination of Part

This Part shall terminate on July 1, 2020 2024.

Section 2. R.S. 40:1429 is hereby amended and reenacted to read as follows:

§1429. Effectiveness of Subpart

This Subpart shall be null, void, and unenforceable on July 1, 2020 2024.

Section 3. This Act shall become effective on July 1, 2020; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2020, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 95

HOUSE BILL NO. 808
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 22:1457(D) through (G) and to enact R.S. 22:1457(H), relative to motor vehicle insurance rate reductions; to provide for a discount when an insured consents to provide data to third parties; to require an insurer to seek and obtain consent before providing data to third parties; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1457(D) through (G) are hereby amended and reenacted and R.S. 22:1457(H) is hereby enacted to read as follows:

§1457. Discounts; rate reductions

* * *

D.(1) An insurer who delivers or issues for delivery in this state any policy for motor vehicle insurance coverage shall grant a discount in the premiums charged for the automobile insurance policy upon the named insured consenting to have personally identifiable data that has been collected from the named insured through a safe driving program, application, or telematics device shared with or sold to any third party for use unrelated either to the insurance transaction or public safety or to promote any other public policy purpose.

(2) Prior to providing a named insured's personally identifiable data to a third party, an insurer shall seek and obtain consent from the named insured through a separate statement of consent accompanied by a box that must be selected or checked off by the insured to acknowledge the insured is opting to give such consent.

(3) Nothing in this Subsection alters or limits the ability of an insurer who delivers or issues motor vehicle insurance coverage to collect data from a named insured as part of a safe driving program, application, or telematics device.

~~D. E.~~ A rate reduction shall be authorized by the commissioner, if actuarially justified, upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance for coverage of any motor vehicle when the insured vehicle is equipped with daytime running headlights or headlights equipped to activate in inclement weather.

~~E. F.~~ A rate reduction shall be authorized by the commissioner, if actuarially justified, upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance for coverage of any motor vehicle when the insured vehicle is equipped with a global positioning system (GPS) or a vehicle tracking system which aids in the recovery of stolen vehicles as such system shall be further defined by rules and regulations promulgated by the Department of Insurance.

~~F. G.~~ For fire insurance rates, all insurers shall assign the fire protection grade of the fire servicing area where the property of the insured is located, provided that the property is located within seven road miles of the nearest responding fire department.

~~G. H.~~ Any insurer who makes application to the commissioner for a rate filing shall provide in its application details as to what discount or reduced rate will be given to insureds who comply with the State Uniform Construction Code.

Approved by the Governor, June 5, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 96

HOUSE BILL NO. 29
BY REPRESENTATIVE BACALA
AN ACT

To amend and reenact R.S. 14:403.3(A) and R.S. 40:2521, relative to reports of missing children; to provide relative to the duty of law enforcement upon receipt of reports of missing children; to provide relative to the entities to which the law enforcement agency is required and permitted to report; to provide relative to the entry of certain information into the National Crime Information Center's database; to provide relative to the time period within which the entry and reporting occur; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403.3(A) is hereby amended and reenacted to read as follows:

§403.3. Reports of missing children; procedures; false reports or communications; penalties

A.(1) Any state or local law enforcement agency receiving a report of a missing child; or the recovery of a missing child; and having reasonable grounds to believe ~~such the~~ report is accurate shall do all of the following within forty-eight hours immediately after the date of receipt of receiving the report notify each of the following of the fact and contents of such report:

(a) Enter the name of the child into the National Crime Information Center's database.

(b) Notify each of the following of the facts and contents of the report:

~~(a)(i) The Department of Health and Human Resources Children and Family Services to the extent that the reporting is required pursuant to Chapter Five of Title VI of the Children's Code.~~

~~(b)(ii) The Department of Public Safety and Corrections office of state police, if it did not originally receive the report.~~

~~(c)(iii) The office of the sheriff for the parish in which such the report was received, if it did not originally receive the report.~~

(iv) Any other local, state, or federal law enforcement agency that the law enforcement agency receiving the report deems necessary and appropriate depending upon the facts of each case.

~~(d) The office of the sheriff for all parishes adjacent to the parish in which such report was received.~~

~~(e) The National Crime Information Computer System.~~

(2) The law enforcement agency may also notify any other appropriate local, state, or federal agency of the fact and contents of ~~such the~~ report.

* * *

Section 2. R.S. 40:2521 is hereby amended and reenacted to read as follows: §2521. Law enforcement agency receiving report of missing or recovered child; duty

~~A.(1) The Any law enforcement agency which receives receiving an initial report of a missing child or the recovery of a missing child and having reasonable grounds to believe the report is accurate shall immediately report the missing or recovered child to national law enforcement agencies and the state law enforcement agencies of neighboring states. This notification shall include entry of the name of the child into the National Crime Information Center registry do all of the following immediately after receiving the report:~~

(a) Enter the name of the child into the National Crime Information Center's database.

(b) Notify each of the following of the facts and contents of the report:

(i) The Department of Children and Family Services to the extent that the reporting is required pursuant to Chapter Five of Title VI of the Children's Code.

(ii) The office of state police, if it did not originally receive the report.

(iii) The office of the sheriff for the parish in which the report was received, if it did not originally receive the report.

(iv) Any other local, state, or federal law enforcement agency that the law enforcement agency receiving the report deems necessary and appropriate depending upon the facts of each case.

(2) The law enforcement agency may also notify any other appropriate local, state, or federal agency of the fact and contents of the report.

~~B. These reports shall be made The provisions of this Section shall apply for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.~~

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 97

HOUSE BILL NO. 57
BY REPRESENTATIVE MUSCARELLO
AN ACT

To enact Code of Criminal Procedure Article 404(I) and (J), relative to jury commissions; to provide for the functions of the jury commissions in the parishes of Tangipahoa and Jackson; to transfer the functions of the jury commissions to the clerks of court of Tangipahoa Parish and Jackson Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 404(I) and (J) is hereby enacted to read as follows:

Art. 404. Appointment of jury commissions; term of office; oath; quorum; performance of functions of jury commissions in certain parishes

* * *

I. In the parish of Tangipahoa, the function of the jury commission shall be performed by the clerk of court of Tangipahoa Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerk of court of Tangipahoa Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

J. In the parish of Jackson, the function of the jury commission shall be performed by the clerk of court of Jackson Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerk of court of Jackson Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 98

HOUSE BILL NO. 77
BY REPRESENTATIVE DEVILLIER
AN ACT

To enact Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:574.14, and Code of Criminal Procedure Article 895(P), relative to supervision of persons on probation or parole; to provide relative to the reporting requirements of persons on probation or parole; to authorize the use of certain technology to comply with reporting requirements; to provide certain specifications for the technology; to provide relative to when the technology may be used; to authorize the Department of Public Safety and Corrections to promulgate certain rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:574.14, is hereby enacted to read as follows:

(2) PAROLEE SUPERVISION

§574.14. Required reporting of parolees; alternative to in-person meetings

A. A probation and parole officer who supervises a parolee shall schedule meetings, which are required as a condition of an individual's release, at such times and locations that take into consideration and accommodate the work schedule of a parolee who is employed by another person or entity.

B. To comply with the provisions of Subsection A of this Section, in lieu of requiring the parolee to appear in-person for the required reporting or meetings, the probation and parole officer may utilize technology portals, including cellular telephone and other electronic communication devices, that allow simultaneous voice and video communication in real time between the parolee and the probation and parole officer. Such technology may also be used for required reporting or meetings of a parolee who is self-employed at the discretion of the parolee's probation and parole officer and in accordance with any rules promulgated by the Department of Public Safety and Corrections pursuant to this Section.

C. The Department of Public Safety and Corrections shall promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules promulgated by the department pursuant to this Section shall include but are not limited to minimum standards and guidelines for the authorized technology and how it may be used as well as standards for determining the eligibility and suitability of parolees to meet their reporting requirements through the use of such technology. The eligibility and suitability standards shall include consideration of the severity of the parolee's underlying criminal conviction and the parolee's criminal history, supervision level, and past supervision history.

Section 2. Code of Criminal Procedure Article 895(P) is hereby enacted to read as follows:

Art. 895. Conditions of probation

* * *

P.(1) When a defendant who is on probation is employed by another person or entity, the probation officer who supervises the defendant shall schedule meetings, which are required as a condition of the defendant's probation, at such times and locations that take into consideration and accommodate the work schedule of the defendant.

(2) To comply with the provisions of Subparagraph (1) of this Paragraph, in lieu of requiring the defendant to appear in-person for the required reporting or meetings, the probation officer may utilize technology portals, including cellular telephone and other electronic communication devices, that allow simultaneous voice and video communication in real time between the defendant and the probation officer. Such technology may also be used for required reporting or meetings of a defendant on probation who is self-employed at the discretion of the defendant's probation officer and in accordance with any rules promulgated by the Department of Public Safety and Corrections pursuant to this Paragraph.

(3) The Department of Public Safety and Corrections shall promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph. The rules promulgated by the department pursuant to this Paragraph shall include but are not limited to minimum standards and guidelines for the authorized technology and how it may be used as well as standards for determining the eligibility and suitability of defendants on probation to meet their reporting requirements through the use of such technology. The eligibility and suitability standards shall include consideration of the severity of the defendant's underlying criminal conviction, criminal history, supervision level, and past supervision history.

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 99

HOUSE BILL NO. 173
BY REPRESENTATIVES JAMES, BRYANT, GARY CARTER, WILFORD
CARTER, CORMIER, DUPLESSIS, GREEN, HUGHES, TRAVIS JOHNSON,

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

LARVADAIN, LYONS, NEWELL, PHELPS, PIERRE, SELDERS, WILLARD,
AND JONES
AN ACT

To enact R.S. 15:574.4(J), relative to parole; to provide parole eligibility for certain juvenile offenders; to provide eligibility requirements; to provide relative to certain duties of the committee on parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(J) is hereby enacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

* * *

J.(1) Notwithstanding any provision of law to the contrary, any person serving a term or terms of imprisonment that result in a period of incarceration of twenty-five years or more and who was under the age of eighteen years at the time of the commission of the offense shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

(a) The offender has served at least twenty-five years of the sentence imposed.

(b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

(c) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with R.S. 15:827.1.

(d) The offender has completed substance abuse treatment as applicable.

(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:

(i) A literacy program.

(ii) An adult basic education program.

(iii) A job skills training program.

(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the committee on parole shall meet in a three-member panel, shall consider the impact that the lack of brain development in adolescence has on culpability and behavior, a juvenile offender's unique ability to mature and grow, and any other relevant evidence or testimony pertaining to the offender.

(3) The panel shall render specific findings of fact in support of its decision.

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 100

HOUSE BILL NO. 211
BY REPRESENTATIVE JORDAN
AN ACT

To enact R.S. 6:121.1.1, relative to the powers and duties of the commissioner of the office of financial institutions; to provide definitions; to provide restrictions; to provide for legitimate cannabis-related businesses and service providers; to provide for egregious violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:121.1.1 is hereby enacted to read as follows:

§121.1.1. Restrictions on enforcement power; cannabis-related legitimate businesses and service providers; egregious violations

A. For purposes of this Section:

(1) "Cannabis-related legitimate business" means any person or company that participates in any business or organized activity that involves handling, cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing or purchasing cannabis or cannabis products, pursuant to a law established by this state.

(2) "Service provider" means a business, organization, or other person who sells goods or provides services to a cannabis-related legitimate business.

B. The commissioner shall not do any of the following:

(1) Prohibit or otherwise discourage a state bank or credit union from providing financial services to a cannabis-related legitimate business or service provider solely because the account holder is a cannabis-related legitimate business, or is an employee, owner, or operator of a cannabis-related legitimate business.

(2) Penalize a state bank or credit union for providing financial services to a cannabis-related legitimate business or service provider solely because the account holder is a cannabis-related legitimate business or service provider or is an employee, owner, or operator of a cannabis-related legitimate

* As it appears in the enrolled bill

business or service provider.

(3) Recommend, incentivize, or encourage a state bank or credit union not to offer financial services to an account holder or to downgrade or cancel the financial services offered to an account holder solely because the account holder is a cannabis-related legitimate business or service provider or is an employee, owner, or operator of a cannabis-related legitimate business or service provider.

(4) Take any adverse or corrective supervisory action on a loan made to a cannabis-related legitimate business or service provider solely because the business is a cannabis-related legitimate business or service provider.

(5) Take any adverse or corrective supervisory action on a loan made to an employee, owner, or operator of a cannabis-related legitimate business or service provider solely because the employee, owner, or operator is employed by, owns, or operates a cannabis-related legitimate business or service provider.

(6) Prohibit or otherwise discourage a state bank or credit union from authorizing, processing, clearing, settling, billing, transferring, reconciling, or collecting payments for a cannabis-related legitimate business or service provider.

(7) Penalize a state bank or credit union for authorizing, processing, clearing, settling, billing, transferring, reconciling, or collecting payments for a cannabis-related legitimate business or service provider.

C. A state bank or credit union's providing financial services to a cannabis-related legitimate business or service provider shall not be considered an egregious violation for purposes of R.S. 6:121.1(C).

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 101

HOUSE BILL NO. 212
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact R.S. 14:2(B)(48) and (49), 34.9(J), (K), (L), and (M), 35.3(B)(4) and (N), and 37.7(B)(1), R.S. 46:2132(4), and Code of Evidence Article 412.4(D)(3) and (4) and to enact R.S. 14:34.9(N), (O), and (P) and 35.3(O) and (P), relative to domestic abuse; to provide relative to the crimes of domestic abuse battery and battery of a dating partner; to provide specific penalties when the battery is committed with a dangerous weapon and when committed with a dangerous weapon when the offender intentionally inflicts serious bodily injury; to designate as domestic abuse any felony crime of violence committed by one dating partner against the person of another dating partner; to amend the definition of "family member" for the crimes of domestic abuse battery and domestic abuse aggravated assault and for purposes of the Domestic Abuse Assistance Act; to amend the definitions of "family member" and "household member" for purposes of certain evidentiary provisions applicable in domestic abuse cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(48) and (49), 34.9(J), (K), (L), and (M), 35.3(B)(4) and (N), and 37.7(B)(1) are hereby amended and reenacted and R.S. 14:34.9(N), (O), and (P) and 35.3(O) and (P) are hereby enacted to read as follows:§2. Definitions

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

(48) Domestic abuse battery punishable under R.S. 14:35.3(L), (M)(2), ~~(N)~~, (O), or (P).

(49) Battery of a dating partner punishable under ~~R.S. 14:34.9(L)(2)~~ R.S. 14:34.9(L), (M)(2), (N), (O), or (P).

§34.9. Battery of a dating partner

J. Any felony crime of violence, as defined by R.S. 14:2(B), against a person committed by one dating partner against another dating partner, shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding.

~~J.K.~~ Notwithstanding any provision of law to the contrary, if the victim of the offense is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.

~~K.L.~~ Notwithstanding any provision of law to the contrary, if the offense involves strangulation, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.

~~L.M.~~(1) Notwithstanding any provision of law to the contrary, if the offense

is committed by burning, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.

(2) If the burning results in serious bodily injury, the offense shall be classified as a crime of violence, and the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not less than five nor more than fifty years without benefit of probation, parole, or suspension of sentence.

~~M.N.~~ Except as provided in Paragraph ~~(L)(2)~~ (M)(2) and Subsection P of this Section, if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than eight years.

O. Except as provided in Subsection P of this Section, if the intentional use of force or violence is committed with a dangerous weapon, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than ten years.

P. Notwithstanding any provision of law to the contrary, if the intentional use of force or violence is committed with a dangerous weapon when the offender intentionally inflicts serious bodily injury, the offender, in addition to other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than fifteen years.

* * *
§35.3. Domestic abuse battery

* * *
B. For purposes of this Section:

* * *
(4) "Family member" means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, ~~and~~ foster children, ~~other ascendants, and other descendants.~~ "Family member" also means the other parent or foster parent of any child or foster child of the offender.

* * *
N. Except as provided in Paragraph (M)(2) and Subsection P of this Section, if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than eight years.

O. Except as provided in Subsection P of this Section, if the intentional use of force or violence is committed with a dangerous weapon, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than ten years.

P. Notwithstanding any provision of law to the contrary, if the intentional use of force or violence is committed with a dangerous weapon when the offender intentionally inflicts serious bodily injury, the offender, in addition to other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than fifteen years.

* * *
§37.7. Domestic abuse aggravated assault

* * *
B. For purposes of this Section:

(1) "Family member" means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, ~~and~~ foster children, ~~other ascendants, and other descendants.~~ "Family member" also means the other parent or foster parent of any child or foster child of the offender.

* * *
Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

§2132. Definitions

As used in this Part:

* * *
(4) "Family members" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, ~~and~~ foster children, ~~other ascendants, and other descendants.~~ "Family member" also means the other parent or foster parent of any child or foster child of the offender. "Household members" means any person presently or formerly living in the same residence with the defendant and who is involved or has been involved in a sexual or intimate relationship with the defendant and who is seeking protection under this Part. "Dating partner" means any person protected from violence under R.S. 46:2151 who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.

Section 3. Code of Evidence Article 412.4(D)(3) and (4) is hereby amended and reenacted to read as follows:

Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases and cruelty against juveniles cases

* * *
D. For purposes of this Article:

* * *
(3) "Family member" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, ~~and~~ foster children, ~~other ascendants, and other descendants.~~ "Family member" also means the other parent or foster parent of any child or foster child of the offender.

(4) "Household member" means any person ~~having reached the age of majority~~ presently or formerly living in the same residence with the offender ~~as a spouse, whether married or not and who is involved or has been involved in a sexual or intimate relationship with the offender,~~ or any child presently or formerly living in the same residence with the offender, or any child of the

offender regardless of where the child resides.

* * *

Approved by the Governor, June 9, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 102

HOUSE BILL NO. 220
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 37:2162(J), relative to civil proceedings initiated by the state licensing board for contractors; to remove venue restrictions; to provide for jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2162(J) is hereby amended and reenacted to read as follows:

§2162. Violations; civil penalty; jurisdiction

* * *

J. Upon the expiration of the delays set forth in the Administrative Procedure Act for an aggrieved party to appeal any fine or penalty assessed by the board, if an appeal has not been so filed, the board may initiate civil proceedings against the party seeking to obtain a judgment against that party in an amount equivalent to the amount of the fine assessed, together with legal interest and all reasonable attorney fees incurred by the board in bringing the action. The proceedings shall be conducted on a summary basis, with the defendant being limited to the defense of lack of notice as to the meeting of the board during which the fine was assessed. ~~Venue for all~~ All proceedings brought pursuant to the provisions of this Subsection shall lie in the Nineteenth Judicial District Court for the parish of East Baton Rouge any court of competent jurisdiction in this state.

* * *

Approved by the Governor, June 9, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 103

HOUSE BILL NO. 338
BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 15:574.3(B), relative to reports furnished to the committee on parole; to provide for the reporting of certain physical and mental health information of an offender appearing before the committee on parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.3(B) is hereby amended and reenacted to read as follows:

§574.3. Personnel and reports to be furnished by the Department of Public Safety and Corrections to the committee on parole; reports to be provided to the Board of Pardons; intensive incarceration and intensive parole supervision program data compilation; annual report

* * *

B. The Department of Public Safety and Corrections shall see that every offender is interviewed and explained the rules with respect to release on parole. It shall secure all relevant data and shall assist the offender in formulating a parole plan. Whenever the committee orders a parole hearing to be held, the Department of Public Safety and Corrections shall secure a report with respect to the personality of the offender, his social history, his adjustment to authority, the physical, mental or psychiatric condition of the offender when such information is available, and his prison record, and may include any recommendation with reference to the release of the offender on parole.

* * *

Approved by the Governor, June 9, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 104

HOUSE BILL NO. 420
BY REPRESENTATIVE BACALA
AN ACT

To amend and reenact R.S. 40:2404.2(B), relative to peace officers; to provide for the training of peace officers; to establish exceptions to annual training requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2404.2(B) is hereby amended and reenacted to read as follows:

§2404.2. Minimum training requirements; basic curriculum; annual training

* * *

B.(1) All full-time, part-time, or reserve peace officers shall successfully complete a minimum of twenty hours of in-service training requirements prescribed by the council on an annual basis. All initial training requirements must be completed within the first calendar year after receiving P.O.S.T. certification and annually thereafter.

(2) Under certain circumstances, the council may modify, extend, or waive an in-service training requirement on a case-by-case basis. Requests for modifications, extensions, or waivers of annual in-service training requirements for an officer shall be in writing from the agency head directly to the council. Waivers may be considered for extended continuous medical leave or any other emergency event or events deemed as such by the council.

(3) Peace officers called to active military duty are not required to complete in-service training requirements missed during the performance of the active duty service.

(4) The council shall promulgate rules and regulations to implement the provisions of this Subsection.

* * *

Approved by the Governor, June 9, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 105

HOUSE BILL NO. 434
BY REPRESENTATIVE HILFERTY
AN ACT

To enact R.S. 14:31(A)(3), relative to homicide; to provide relative to manslaughter; to provide relative to the elements of the crime of manslaughter; to provide relative to a continuous sequence of events resulting in the death of a human being; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:31(A)(3) is hereby enacted to read as follows:

§31. Manslaughter

A. Manslaughter is:

* * *

(3) When the offender commits or attempts to commit any crime of violence as defined by R.S. 14:2(B), which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm. For purposes of this Paragraph, it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

* * *

Section 2. Official Comment to the Law: Since State v. Garner, 238 La. 563, 115 So.2d 855 (1959), Louisiana law has espoused the "agency" theory of liability for felony murder and felony manslaughter, whereby an individual is criminally liable for a killing only if the direct act of killing was committed either by the individual himself or by one acting in concert with the individual. As such, this has left open the possibility that an individual may, by committing a serious crime, set into motion a sequence of events proximately causing the death of an innocent person, and yet elude justice because the direct act of killing is committed by one acting adverse to or otherwise not in concert with the individual. These new provisions of law fill in the gap left by Garner and its progeny so as to allow such malefactors to be appropriately held accountable for the consequences of their actions while in no way abrogating, altering, restricting, or limiting criminal liability under any existing law relative to felony murder or felony manslaughter or under any other existing law.

Approved by the Governor, June 9, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 106

HOUSE BILL NO. 453
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact Children's Code Article 910, relative to modification of dispositions; to provide relative to a motion to modify a disposition; to require the motion to be served upon all parties; to provide relative to the circumstances under which a contradictory hearing is required; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 910 is hereby amended and reenacted to read as follows:

Art. 910. Modification procedure; generally applicable

A. Except as specially provided hereinafter in Articles 911 through 916, a motion for modification may be filed by the district attorney, the child, his parents, the custodian of the child, a probation officer, or the court. A motion for modification shall be in writing and shall set forth in plain and concise terms the facts supporting the modification. A motion for modification shall be served upon all parties at least three days prior to the hearing unless waived by the parties.

B. Any motion to modify for modification may be denied without a hearing.

~~C. Except as provided in Article 897.1, when the motion to modify seeks the imposition of less restrictive conditions, the court may modify a judgment without a contradictory hearing. Except as provided by Paragraph B of this Article, a motion for modification shall be tried at a contradictory hearing unless waived by the parties.~~

~~D. When the motion to modify seeks the imposition of more restrictive conditions, the court shall conduct a contradictory hearing, except upon the waiver of the parties.~~

~~E. A judgment of disposition shall not be modified to release a child from the custody of a public or private mental institution or an institution for persons with mental illness without three days prior notice to the district attorney and the institution.~~

~~F. E. If a judgment of disposition is modified, a copy of the minute entry reflecting the modification shall be served upon the district attorney, the child, his parent, and any person, institution, or agency to whom custody of the child is assigned.~~

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 107

HOUSE BILL NO. 499
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact Code of Civil Procedure Article 3396.1, relative to the issuance of letters of independent administration or executorship; to authorize the clerk of court to issue letters of independent administration or executorship; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 3396.1 is hereby amended and reenacted to read as follows:

Art. 3396.1. Scope

Upon qualification of a succession representative and compliance with the provisions of this Chapter, the court clerk shall issue ~~Letters of Independent Administration or Letters of Independent Executorship~~ letters of independent administration or letters of independent executorship, as appropriate, certifying that the independent administrator has been duly qualified.

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 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 108

HOUSE BILL NO. 529
BY REPRESENTATIVES DUPLESSIS, ADAMS, BRASS, BRYANT,
CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER,
COX, FREEMAN, FREIBERG, GREEN, HARRIS, HENRY, HUGHES,
JEFFERSON, JENKINS, JONES, JORDAN, KERNER, LANDRY,
LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, PIERRE,
SELDERS, ST. BLANC, WILLARD, AND WRIGHT
AN ACT

To enact R.S. 15:714, relative to prisons and prisoners; to provide for the issuance of letters of incarceration; to provide that any person who was confined or under probation or parole supervision is entitled to receive a letter of incarceration; to provide for the time period within which a letter shall be issued; to provide for certain required information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:714 is hereby enacted to read as follows:

§714. Letters of incarceration

A. Any person who was or is confined in any prison, jail, work release facility, or correctional institution or who was or is under probation or parole

supervision is entitled to receive, upon request, a letter of incarceration which provides documentation, verification, or proof of the person's confinement in the prison, jail, work release facility, or correctional institution or supervision while on probation or parole.

B. A request for a letter of incarceration shall be made by the person to the prison, jail, facility, or institution where the person was confined or to the person's local office of the Department of Public Safety and Corrections, division of probation and parole. A request for a letter of incarceration providing proof of probation and parole supervision shall be made by the person to the Department of Public Safety and Corrections, division of probation and parole.

C. A letter of incarceration requested pursuant to the provisions of this Section shall be issued no later than seven days after the date of receipt of the request.

D. A letter of incarceration issued pursuant to the provisions of this Section shall contain, at a minimum, the name of the person who was or is confined or under supervision, the dates of incarceration or supervision, the admit date and release date, and the last location of incarceration.

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 109

HOUSE BILL NO. 722
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 13:3733.1(A)(introductory paragraph) and to enact R.S. 13:3733.3, relative to the use of electronic signatures by financial institutions; to provide for the enforcement of electronic signatures; to provide for evidence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3733.1(A)(introductory paragraph) is hereby amended and reenacted and R.S. 13:3733.3 is hereby enacted to read as follows:

§3733.1. Financial institution records; reproductions; recordkeeping; admissibility into evidence; definitions

A. As used in this Section ~~and in~~ R.S. 13:3733.2, and 3733.3, the following terms shall have the following meanings:

* * *

§3733.3. Financial institution records; enforcement of electronic signatures
A. Electronic signatures used in transactions by and with financial institutions are enforceable to the full extent of the law.

B. If a financial institution seeks to enforce the electronic signature and the purported signer disputes that the electronic signature is valid or enforceable, the financial institution may submit evidence to prove that the electronic signature is that of the purported signer and is valid and enforceable. Such evidence may include but is not limited to evidence that the purported signer received a direct or indirect benefit or value from the transaction, such as the deposit of funds into the purported signer's preexisting account with the financial institution; the purported signer's receipt of loan proceeds; or the payment of a debt owed by the purported signer.

Section 2. The legislature hereby finds that financial institutions may benefit from the use of electronic signatures and encourages the use of electronic signatures by financial institutions to facilitate commerce.

Approved by the Governor, June 9, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State