**ACTS OF 2020 LEGISLATURE**

Acts 329-365

**ACT No. 329**

**HOUSE BILL NO. 827**

BY REPRESENTATIVE RISER

AN ACT

To amend and reenact R.S. 37:842 (introductory paragraph) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) and to enact R.S. 37:877(D), relative to funeral directors and embalmers; to provide for internship requirements; to provide with respect to the right to arrange funeral goods and services; to provide with respect to the arrangement of cremations; to provide limitations of liability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:842 (introductory paragraph) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) are hereby amended and reenacted and R.S. 37:877(D) is hereby enacted to read as follows:

§842. Minimal qualifications for license.

A. Qualifications for a funeral director license. Any applicant is qualified for a license as a funeral director if he meets all of the following requirements:

(5) Has served an internship in the state of Louisiana for a period of not less than nine months, or thirty-nine weeks, and not more than twenty-four months, or one hundred four forty-eight months, or two hundred eight weeks, has actively assisted in at least thirty funeral services, and has completed at least one thousand five hundred sixty contact hours during the internship period. A funeral director intern may receive credit for up to two-thirds of the internship requirement prior to graduating from an accredited school recognized by the board.

B. Qualifications for an embalmer and funeral director license. Any applicant is qualified for license as an embalmer and funeral director if he meets all of the following requirements:

(4) Has served an internship in the state of Louisiana for a period of not less than nine months, or thirty-nine weeks, and not more than forty-eight months, or two hundred eighty-eight weeks, actively assisted in at least thirty embalming operations and thirty funeral services and completed at least one thousand five hundred sixty contact hours during the internship period. An embalmer and funeral director intern may receive credit for up to two-thirds of the internship requirement prior to graduating from an accredited school recognized by the board.

§855. Right to arrange funeral goods and services

A. The persons in the priority listed in R.S. 8:653 and R.S. 37:876 have the right to arrange with a funeral director or funeral establishment for funeral goods and services, as defined in R.S. 37:831(45), in preparation for the disposition of the remains of a decedent.

B. There is no liability for a funeral director, funeral establishment, or any respective employee for following the directions or relying on the representation of a person representing himself to be the person who has the prior right to arrange the funeral goods and services for the remains of a decedent in accordance with Subsection A of this Section.

C. There shall be no liability for a funeral director, funeral establishment, or any respective employee for presenting any interested person to view human remains in the care of the funeral director or funeral establishment.

§877. Authorization to arrange cremation; authorization to cremate; refusal to cremate

A. A crematory shall have authority to cremate human remains when they are delivered by the funeral establishment and upon receipt of all of the following:

(1)(a) A cremation authorization form signed by an authorizing agent. Such form shall contain, at a minimum, the following information:

(xi) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except for those representations made by the funeral director pursuant to Item (b)(ii) of this Paragraph. The signature of the authorizing agent shall be witnessed by a funeral director of the funeral establishment arranging the cremation or crematory, or witnessed by the authorizing agent before a notary public one of the following:

(aa) Witnessed by a funeral director of the funeral establishment arranging the cremation.

(1)(b) Notarized by a notary public.

(b) Executed before two witnesses who sign the cremation authorization form. The name and address of each witness shall be provided on the cremation authorization form.

(ii) The cremation authorization form, other than preneed cremation forms, shall also be signed by a funeral director of the funeral establishment arranging the cremation. The funeral director shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. However, the information requested by Item (a)(i) of this Paragraph shall be considered to be a representation of the funeral director or funeral establishment that the human remains delivered to the crematory authority have been identified as the decedent listed on the cremation authorization by the coroner pursuant to Item (b)(ii) of this Paragraph or positively identified after a viewing of the remains or a photograph or other visual image of the remains by a person who is the authorizing agent or a member of the class of which the authorizing agent is composed or a designated representative thereof, unless the remains are from a spontaneous fetal death as defined in R.S. 40:32(16), in which case a viewing is not required if written identification is received when such remains are released to the funeral director. When visual identification by viewing the remains is not feasible, other positive identification of the decedent may be used including reliance upon identification made from photographs or other visual images of scars, tattoos, or physical deformities taken from the decedent’s remains. The information requested by Item (a)(iii) of this Paragraph shall be considered to be a representation of the funeral director or funeral establishment of any information received by the funeral director or funeral establishment pursuant to R.S. 40:1271.12.

(iii) The coroner shall provide the identification of any dead body to the funeral director or funeral establishment to whom he relinquishes possession thereof, unless the coroner is not able to establish the identity of the dead body as provided in R.S. 40:1250(10) R.S. 13:5715.

C. A copy of a cremation authorization form signed by the authorizing agent in accordance with either Subitems (b) or (c) of this Section may be delivered to the funeral establishment or cremation provider by facsimile or other electronic transmission. The signature of the authorizing agent includes an electronic signature as provided in R.S. 9:2601 et seq. A funeral director, funeral establishment, or cremation authority may rely, without liability, a copy of a cremation authorization form to perform a cremation.

D. A funeral director may refuse to arrange a cremation and a crematory authority may refuse to accept a body or to perform a cremation.

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 330**

**HOUSE BILL NO. 835**

BY REPRESENTATIVE MCMAHEN AND SENATORS JOHNS AND FRED MILLS

AN ACT

To enact Subpart D-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1248.1 through 1248.12, relative to financing by the state Medicaid program of health services in certain parishes; to create and provide for a local healthcare provider participation program; to designate the parishes in which the program may be operated; to authorize local hospital assessment payments to be made to those parishes; to authorize the establishment of special provider participation funds by those parishes; to provide requirements for the uses of monies in such special funds; to require public hearings concerning local hospital assessment payments and uses of monies derived from such payments; to authorize rural institutional provider and governmental institutional provider payment methodologies contingent upon federal approval; to provide for administrative rulemaking by the Louisiana Department of Health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart D-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1248.1 through 1248.12, is hereby enacted to read as follows:

SUBPART D-1. LOCAL HEALTHCARE PROVIDER PARTICIPATION PROGRAM

§1248.1. Definitions

As used in this Subpart, the following terms have the meaning ascribed to them:

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THE ADVOCATE PAGE 1

CODING: Words in slope type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced are as appears in the enrolled bill. * As it appears in the enrolled bill.
them in this Section:

(1) “Department” means the Louisiana Department of Health.

(2) “Institutional provider” means a governmental or nongovernmental provider of health services as defined in the Louisiana Medicaid State Plan.

(3) “Institutional provider” means a nonstate governmental hospital, licensed in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., other than a rural hospital as defined in R.S. 40:1189.3.

(b) A hospital included in the definition of public, nonrural community hospital as defined in the Louisiana Medicaid State Plan.

(3) “Institutional provider” means a nongovernmental hospital licensed in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq.

(4) “Institutional provider” means a governmental provider of health services as defined in the Louisiana Medicaid State Plan.

(5) “Program” means the local healthcare provider participation program authorized by this Subpart.

(6) “Rural institutional provider” means a hospital, other than one defined in R.S. 40:1189.3, that is licensed by the department, made more than sixty hospital bed capacity available on November 1, 2020, and meets any of the following criteria:

(a) Is located in a municipality with a population of not less than seven thousand persons and not more than seven thousand five hundred persons according to the most recent federal decennial census and in a parish with a population of not less than thirty thousand persons and not more than thirty-five thousand persons according to the most recent federal decennial census.

(b) Is located in a municipality with a population of not less than ten thousand persons and not more than ten thousand five hundred persons according to the most recent federal decennial census and in a parish with a population of not less than eighty thousand persons and not more than ninety thousand persons according to the most recent federal decennial census.

(c) Is located in a municipality with a population of not less than three thousand persons and not more than three thousand five hundred persons according to the most recent federal decennial census and in a parish with a population of not less than thirty thousand persons and not more than thirty-five thousand persons according to the most recent federal decennial census.

§1248.2. Purpose

The purpose of this Subpart is to create a local provider participation program to benefit the residents of a parish.

§1248.3. Any parish in which a rural institutional provider is located

A. The legislature hereby creates a local healthcare provider participation program through which a parish may deposit in a local provider participation fund established by the parish all of the following monies:

(1) Any local hospital assessment payment from an institutional provider located in the parish.

(2) Such other sums as the parish deems appropriate.

B. Monies in the provider participation fund may be used by the parish to support or to fund a local hospital assessment payment program to benefit the residents of the parish.

C. A parish may adopt an ordinance authorizing it to participate in the program, subject to the limitations provided in this Subpart.

§1248.4. Parish healthcare provider participation program

A. The legislature hereby creates a local healthcare provider participation program through which a parish may deposit in a local provider participation fund established by the parish all of the following monies:

(1) Any local hospital assessment payment from an institutional provider located in the parish.

(2) Such other sums as the parish deems appropriate.

B. Monies in the provider participation fund may be used by the parish to support or to fund a local hospital assessment payment program to benefit the residents of the parish.

C. A parish may adopt an ordinance authorizing it to participate in the program, subject to the limitations provided in this Subpart.

§1248.5. Powers and duties of parishes: limitations; inspection of provider records

A. The governing body of a parish may require a local hospital assessment payment authorized by this Subpart from an institutional provider in the parish and the amount of any such payment shall be implemented in the manner provided for in this Section.

B. A parish may require the collection of a local hospital assessment payment authorized by this Subpart only with an alternative vote of a majority of the members of the governing body of the parish made at a regular or special meeting held no less than thirty days following publication of a notice in the official journal of the parish of intention to authorize the collection of such payment.

C. A parish that collects a local hospital assessment payment authorized by this Subpart shall require each institutional provider to submit to the parish a copy of any financial and utilization data required by and reported to the department.

D. A parish that collects a local hospital assessment payment authorized by this Subpart may inspect the records of an institutional provider to the extent necessary to ensure compliance with the requirements of Paragraph (1) of this Subsection.

§1248.6. Public hearings

A. Any parish that collects a local hospital assessment payment authorized by this Subpart shall hold an annual public hearing on the amounts of any local hospital assessment payments that the parish intends to require during the next fiscal year.

§1248.7. Local provider participation fund: authorized uses

A. Each parish that collects a local hospital assessment payment authorized by this Subpart may require the parish to create a local provider participation fund. All income received by a parish pursuant to the provisions of this Subpart, including the revenue from local hospital assessment payments remaining after discounts and fees for administering and collecting the payments are deducted, shall be deposited in the provider participation fund established by the parish. Any moneys in the fund shall be withdrawn only in accordance with and for purposes specified in the provisions of this Section.

B. The local provider participation fund of a parish shall consist of the following monies:

(1) All income received by the parish attributable to local hospital assessment payments authorized by this Subpart, including any penalties and interest attributable to delinquent payments.

(2) Monies received from the department as a refund of an intergovernmental transfer from the parish to the state for the purpose of providing the nonfederal share of Medicaid base rate payments, provided that the intergovernmental transfer does not receive a federal matching payment.

(3) The earnings of the fund.

(4) The earnings of the fund.

C. Monies in the local provider participation fund may be used only for one or more of the following purposes:

(1) To fund intergovernmental transfers from a parish to the state to provide the state with matching contributions to a program of Medicaid payments for the benefit of rural institutional providers or other hospitals in the parish authorized under the Medicaid state plan.

(2) To pay the administrative expenses of a parish associated exclusively with other uses authorized by this Subpart in an amount not to exceed five percent of the local hospital assessment payment.

(3) To refund a portion of a local hospital assessment payment collected in error from a paying hospital.

(4) To refund to paying hospitals the proportionate share of money received by the parish that is not used to fund the nonfederal share of Medicaid payment program payments described in Paragraph (1) of this Subsection.

D. Money in the local provider participation fund shall not be commingled with other parish funds.

§1248.8. Local hospital assessment payments: basis; calculation

A. Except as provided in Subsection E of this Section, a parish that collects a local hospital assessment payment authorized by this Subpart may require an annual local hospital assessment payment to be assessed quarterly on the net patient revenue of each institutional provider located in the parish. In the first year in which the local hospital assessment payment is required, the local hospital assessment payment shall be assessed on the net patient revenue of an institutional provider as determined by the most recently completed decennial census and shall not exceed five percent of the local hospital assessment payment on an annual basis.

B. Any amount of a local hospital assessment payment authorized by this Subpart shall be uniformly proportionate with the amount of net patient revenue of a program hospital in the parish. In accordance with 42 U.S.C. 1396b(w), a local hospital assessment payment authorized by this Subpart shall not hold harmless any institutional provider.

C. A parish that collects a local hospital assessment payment authorized by this Subpart shall set the amount of the local hospital assessment payment. The amount of the local hospital assessment payment required of each program hospital may not exceed an amount that, when added to the amount of the local hospital assessment payments required from all other program hospitals in the parish, and the amount of any assessment, local hospital assessment payment, assessed quarterly on the net patient revenue of each institutional provider located in the parish, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the parish.

D. Subject to the maximum payment amount prescribed in Subsection C of this Section, a parish that collects a local hospital assessment payment authorized by this Subpart shall set local hospital assessment payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the parish for activities provided for in this Subpart and to fund the nonfederal share of a Medicaid base rate payment, except that the earnings of the fund shall be used for administrative expenses of the parish for activities provided for in this Subpart and in a year may not exceed five percent of the total revenue generated from the local hospital assessment payment or twenty thousand dollars, whichever is greater.

E. A paying hospital may not add a local hospital assessment payment required by this Section as a surcharge to a patient.

§1248.9. Local hospital assessment payments: collection

The sheriff of a parish shall collect the local hospital assessment payment by the parish at such times and in such manner as the parish determines. The amount of any local hospital assessment payments collected by the parish shall be deposited in the provider participation fund established by the parish.
authorized by this Subpart. The sheriff shall charge and deduct from local hospital assessment payments collected for the parish a fee for collecting those payments in an amount as approved by the board, but in no case less than one and one-half percent of the proceeds. Notwithstanding any law to the contrary, by September 1, 2020, or as soon thereafter as such a cooperative endeavor agreement is effective, the department shall file a Medicaid state plan amendment with the Centers for Medicare and Medicaid Services, referred to hereafter in this Section as “CMS,” amending the Medicaid state plan provisions governing hospital reimbursement to provide that a rural institutional provider, as defined in R.S. 40:1248.1, shall be reimbursed at a rate which equals or approximates one hundred ten percent, or, if a reduction is required by CMS, the maximum amount acceptable to CMS, the maximum amount acceptable to CMS, but in no case less than one hundred percent of the appropriate reasonable cost of providing hospital inpatient and outpatient services, including but not limited to services provided in a rural health clinic licensed as part of a rural hospital. The new rural hospital payment methodology shall utilize prospective rates approximating costs at the time of service for inpatient acute and psychiatric services. In the case that rural hospital outpatient services, including those reimbursed on a cost basis and those reimbursed on a fee schedule, are reimbursed in the aggregate at one hundred ten percent of the reasonable costs or such lesser amounts as approved by CMS, but in no case less than one hundred percent of the reasonable costs, the department shall pay an interim rate for cost-based outpatient services at one hundred ten percent of reasonable cost during the year and for fee-based services paid on a claim-by-claim basis, and the department shall make quarterly rate revisions on a case-by-case basis that all amounts required to bring reimbursement to the hospital for such services up to one hundred percent of reasonable costs and immediately remit such payments to the hospital, and at final settlement pay such amounts as are necessary to ensure that all outpatient services in the aggregate, both cost-based and fee schedule, are paid at one hundred ten percent of reasonable costs.

$412.12  Governmental institutional provider; enhanced reimbursement

A. Upon request from a parish in which a governmental institutional provider is located, the department shall attempt in good faith to execute a cooperative endeavor agreement acceptable to the department. Notwithstanding any law to the contrary, by September 1, 2020, or as soon thereafter as such a cooperative endeavor agreement is effective, the department shall file a Medicaid state plan amendment with the Centers for Medicare and Medicaid Services, referred to hereafter in this Section as “CMS,” amending the Medicaid state plan provisions governing hospital reimbursement to provide that a governmental institutional provider, as defined in R.S. 40:1248.1, shall be reimbursed at a rate which equals or approximates one hundred ten percent, or, if a reduction is required by CMS, the maximum amount acceptable to CMS, but in no case less than one hundred percent of the appropriate reasonable cost of providing hospital inpatient and outpatient services, including those reimbursed on a cost basis and those reimbursed on a fee schedule, are reimbursed in the aggregate at one hundred ten percent of the reasonable costs or such lesser amounts as approved by CMS, but in no case less than one hundred percent of the reasonable costs, the department shall pay an interim rate for cost-based outpatient services at one hundred ten percent of reasonable cost during the year and for fee-based services paid on a claim-by-claim basis, and the department shall make quarterly rate revisions on a case-by-case basis that all amounts required to bring reimbursement to the hospital for such services up to one hundred percent of reasonable costs and immediately remit such payments to the hospital, and at final settlement pay such amounts as are necessary to ensure that all outpatient services in the aggregate, both cost-based and fee schedule, are paid at one hundred ten percent of reasonable costs.

ACT No. 331

HOUSE BILL NO. 836
BY REPRESENTATIVE JORDAN
AN ACT
To enact R.S. 37:761(D) and 764(E) relative to professionals licensed by the Louisiana State Board of Dentistry; to provide for the waiver of certain licensing requirements in the event of a declared state of emergency; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:761(D) and 764(E) are hereby enacted to read as follows:

$761. Requirements of applicants for dental license

* * *

D. The requirement provided in Subsection C of this Section for any national, regional, or independent third-party clinical dental licensing examination passed by the applicant to include procedures performed on human subjects may be waived or modified by the board during the state of emergency declared by Proclamation Number 58-JBE-2020.

$764. Dental hygienist; application for license

* * *

E. The requirement provided in Subsection D of this Section for any national, regional, or independent third-party clinical dental hygiene licensing examination passed by the applicant to include procedures performed on human subjects may be waived or modified by the board during the state of emergency declared by Proclamation Number 58-JBE-2020.

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

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 332

HOUSE BILL NO. 845
BY REPRESENTATIVES DIOHET, BOURRIAQUE, CARRIER, WILFORD CARTER, FARNUM, ROMERO, AND TARVER AND SENATORS ABRAHAM, HENSGENS, JOHNS, AND REESE

To enact Part II-A of Chapter 1 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:221 through 224, relative to the Calcasieu Ship Channel; to provide for the Calcasieu Ship Channel Public-Private Partnership; to establish a management board and advisory committee; to establish the membership and powers of the board and committee; to provide relative to monies contributed to the Calcasieu River Fund; to provide for definitions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-A of Chapter 1 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:221 through 224, is hereby enacted to read as follows:

PART II-A. CALCASIEU SHIP CHANNEL PUBLIC-PRIVATE PARTNERSHIP

§221. Definitions
As used in this Part, the following terms shall have the meaning ascribed to them, unless the context clearly indicates otherwise:

(1) “Board” means the Calcasieu Ship Channel Funding Management Board.
(2) “DMMP” means the Dredged Material Management Plan dated November 22, 2010, as adopted by the U.S. Army Corps of Engineers.
(3) “Fund” means the Calcasieu River Fund which is a separate and distinct fund kept and maintained by the Port of Lake Charles.
(4) “Industry” means a fixed facility located on the Calcasieu Ship Channel.
(5) “Non-federal sponsor” means the Lake Charles Harbor and Terminal District acting on behalf of the state of Louisiana as authorized by R.S. 34:218.
(6) “PPA” means the project partnership agreement between the non-federal sponsor and the non-federal partner.
(7) “Port” means the Lake Charles Harbor and Terminal District.
federal sponsor and the U.S. Army Corps of Engineers dated April 20, 2015, which implemented the Dredged Material Management Plan.

(9) For the purposes of this Part, “Ship Channel” means the Calcasieu Ship Channel, which may also be referred to as the Calcasieu River and Pass Project.

(10) “Vessel” means any watercraft utilizing a state-commissioned pilot to navigate the Calcasieu Ship Channel, whether foreign or domestic.

§222. Calcasieu Ship Channel Funding Management Board.

A. The Calcasieu Ship Channel Funding Management Board which shall be domiciled at the Lake Charles Harbor and Terminal District. The board shall be composed of the following three members:

(1) The executive director of the Lake Charles Harbor and Terminal District or his designee.

(2) The governor of the state of Louisiana or his designee.

(3) A representative from an entity with a facility located on the Ship Channel that contributes to the fund and appointed by the Louisiana Mid-Continent Oil and Gas Association.

B. The board shall elect from its members a chairman who shall call the meetings as necessary and set the agenda for each meeting. The chairman shall serve a term of one year and may serve consecutive terms.

C. The powers of the board shall be limited to determining how money from the fund is used to pay the non-federal sponsor’s cost share of the DMMP or other non-federal sponsor’s costs under the PPA or as required by federal law or regulation, including but not limited to projects presented to the board for construction and any real estate acquisitions necessary to implement the objectives of the DMMP.

D. The board members shall serve without compensation.

§223. Funding.

A. For the 2020-2021 Fiscal Year, any entity that operates a facility on the Calcasieu Ship Channel and receives vessels pursuant to this Part, except those entities leasing from the Port of Lake Charles’ City Docks Facility, Bulk Terminal 1, or Bulk Terminal 4, shall contribute to the Calcasieu River Fund. The amount contributed by each entity shall be calculated based on an estimated mile marker zero vessel transit count of eighty-five dollars, fifty cents per mile for each mile the facility is located from mile marker zero, as shown on sheet twenty-seven of the Corps’ hydrologic maps of the ship channel. The total amount of private investments provided pursuant to this Subsection shall not exceed three million dollars.

B. For the 2020-2021 Fiscal Year, the Lake Charles Harbor and Terminal District shall contribute three million dollars to the fund.

C. For the 2020-2021 Fiscal Year, the legislature may appropriate and may equalize the per vessel transit charge of three million dollars, to be paid by each registrant filing a label with the commission.

D. (1) Funding for each subsequent year shall be provided as follows:

(a) Industry shall contribute two million five hundred thousand dollars as provided in the cooperative endeavor agreement. Industry shall determine the number of working vessels anticipated to arrive at its facility for the following year and submit that number to the Port of Lake Charles by November first of each year. Within forty-five days, the Port of Lake Charles shall invoice each entity for their individual contribution considering the following:

(i) A minimum per vessel transit charge of one thousand five hundred dollars.

(ii) A variable mileage charge based on distance from the facility to mile marker zero as approved by the board.

(b) If the variable mileage charge per vessel transit has been adjusted to fifty cents per mile and the per vessel transit charge would exceed two million five hundred thousand dollars, the per vessel transit charge shall be lowered to an amount that equates to two million five hundred thousand dollars.

(2) The port shall contribute two million five hundred thousand dollars to the fund.

(3) The legislature may appropriate and may contribute five million dollars as provided in the cooperative endeavor agreement entered into between the port, the state of the Louisiana, and the entities operating on the ship channel as represented by Louisiana Mid-Continent Oil and Gas Association.

E. In any month in which the net of committed expenditures in the fund exceeds twenty million dollars, the board shall adopt a resolution to suspend all payments to the fund from the contributing entities. Reinstatement of all payments shall occur by resolution at such time as the balance in the fund falls below twenty million dollars.

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

§224. The Calcasieu Ship Channel Advisory Committee.

A. The advisory committee shall consist of a group of stakeholders that will offer advice and counsel, and meet with the Calcasieu Ship Channel Funding Management Board quarterly to review funding plans and activities. The members of the advisory committee shall not have decisionmaking authority.

B. The members shall serve concurrently with the governor and without compensation.

C. The advisory committee shall be composed of seven members as follows:

(1) One member shall be a representative of the Corps.

(2) One member shall be the port director of the Cameron Parish Port, Harbor and Terminal District or his designee.

(3) One member shall be the executive director of the Lake Charles Harbor and Terminal District or his designee.

(4) One member shall be a state-commissioned river port pilot appointed by the Associated Branch Pilots for the Port of Lake Charles.

(5) Three members shall be appointed by the governor and shall represent separate facilities that utilize the Calcasieu Ship Channel for commerce involving deep draft seagoing vessels. One member shall represent a facility on the Ship Channel in Cameron Parish and two members shall represent a facility on the Ship Channel in Calcasieu Parish. The appointments by the governor shall be subject to Senate confirmation.

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 333

HOUSE BILL NO. 618

BY REPRESENTATIVE THOMPSON

To amend and reenact R.S. 3:1396(8), 1401(B), and 1407(B)(1), relative to state regulations of commercial feed, to provide for regulation of adulterated commercial feeds; to provide for labeling fees; to provide for use of the Feed and Fertilizer Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1396(8), 1401(B), and 1407(B)(1) are hereby amended and reenacted to read as follows:

§1396. Adulteration

A commercial feed shall be deemed to be adulterated:

* * *

(8) If it contains a drug or antibiotic and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to good manufacturing practice regulations promulgated by the commission to assure that the drug maintains the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commission shall adopt the good manufacturing practice regulations for medicated feed promulgated by the United States Department of Agriculture.

Be it enacted by the Legislature of Louisiana:

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.

Approved by the Governor, June 13, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 334

HOUSE BILL NO. 676

BY REPRESENTATIVES EMMERSON, BRYANT, CARRIER, GARY CARTER, WILFORD CARTER, DUPLESSIS, FONTENOT, FREEMAN, FREIBERG, GAINES, IVEY, TRAVIS JOHNSON, LARVADAIN, LYNOS, DUSTIN MILLER, CHARLES OWEN, SELDERS, AND STEFANSKI AND SENATORS FIELDS AND JACKSON

THE ADVOCATE
To enact R.S. 17:3391, relative to student debt; to allow public postsecondary education boards to adopt policies to prohibit the institutions under their supervision and management from withholding student transcripts and other records due to outstanding debt or defaulting on a loan; to prohibit public postsecondary education institutions from withholding certain services due to defaulting on a loan; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3391 is hereby enacted to read as follows:

(1) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(2) "Default" means the failure of a borrower to repay a loan according to the terms agreed to in the promissory note.

B. Notwithstanding any other provision of law, each public postsecondary education management board may adopt a policy to prohibit the institutions under its supervision and management from doing any of the following:

(1) Refuse to provide a transcript for a current or former student on the grounds that the student owes a debt.

(2)(a) Condition the provision of a transcript for a current or former student on the payment of a debt other than a fee charged to provide the transcript or enrollment in a repayment plan.

(3) Any repayment plan established as a precondition of providing a transcript shall include a monthly payment amount. The monthly payment amount shall be established with consideration of the current or former student's ability to pay and shall not exceed fifteen percent of the student's monthly income.

(4) Charge a higher fee for obtaining a transcript or provide any other less favorable treatment because a student or former student owes a debt.

(5) Use transcript issuance as a debt collection tool.

(6) Withhold services from a current or former student who is in default on a federal loan. Services that shall not be withheld include but are not limited to:

(a) Providing grades.
(b) Providing a diploma.
(c) Course registration services.
(d) Issuing transcripts.

Approved by the Governor, June 13, 2020.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 335

HOUSE BILL NO. 681
BY REPRESENTATIVE ZERINGUE

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2020-2021 and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. For the purposes of this Act the following definitions shall apply and obtain:

(a)(1) Unless otherwise provided herein, "tax recipient bodies shall mean the city of New Orleans, parish governing authorities, school boards, special taxing districts and other bodies which were eligible for reimbursement or payment from the Property Tax Relief Fund prior to its abolition and repeal by Act 10 of the 1972 Extraordinary Session of the Louisiana Legislature and any other taxing district listed in Sections 1(a)(3) and 1(a)(4) or any other taxing district for any millage specified in Section 9(B) of this Act. In the parish of Rapides, "tax recipient bodies shall not include Red River Waterways. In the parish of Lafourche, "tax recipient bodies shall not include the Atchafalaya Basin Levee District, the Lafourche Levee District, and Fresh Water District No. 1.

(2) "Tax recipient bodies shall not include the millage levied by the various law enforcement districts in the state in lieu of commissions as a result of Act 689 of the 1976 Regular Session of the Louisiana Legislature; however, law enforcement districts shall be considered tax recipient bodies for any millage levied and levied for that purpose to the extent specifically provided in Section 9(B) of this Act.

(3) "Tax recipient bodies shall also mean those special taxing districts and other bodies which were not eligible for reimbursement as provided in Act 10 of the 1972 Regular Session and were subsequently determined by the state treasurer to be ineligible for such participation under the provisions of Act 592 of the 1978 Regular Session. The exclusive listing of all such special taxing districts and other bodies is as follows:

Acadia
Merrimentau River Harbor & Terminal
Allen
Elizabeth Recreation District #3
Kinder Recreation District #2--Maintenance

Hospital Service District #3--Maintenance
Ascension
Lightning District #6
Lightning District #7
Avoyelles
Red River Waterway District--Capital Outlay
Red River Waterway District--Operations
Beauregard
Waterworks District #3--Ward 4
Waterworks District #3--Ward Bienville
Fire Protection District #6
Hospital Service District #2
Caldwell
Columbia Heights Sewerage
Cameron
Cane River Water District #1--Maintenance
Water District #7--Maintenance
Grand Lake Recreation District--Maintenance
Water District #10--Maintenance
Fire District #10--Maintenance

Catahoula
Hospital District #2
Claiborne
Hospital District #1
Concordia
Recreation District #3--Maintenance
Fire Protection District #1
Evangeline
Cemetery Tax District--Ward 4
Cemetery Tax District #1
Cemetery Tax District #6
Water District #1--Maintenance
Evangeline Parish School Board
Consolidated School District No. 2
Evangeline Parish School Board
Consolidated School District No. 7

Grant
Hospital District #1
Recreational District #2
Jefferson
Ambulance Service #1
Community Center Playground District #1
Community Center Playground District #10
Community Center Playground District #11
Community Center Playground District #12
Community Center Playground District #13
Community Center Playground District #14
Community Center Playground District #15
Fire Protection District #5
Fire Protection District #6
Sewerage District #8
Sewerage District #9
Jefferson Hospital District #1

LaSalle
Sewer Maintenance
Recreational District #3
Livingston
Road Light District #2
Fire Protection District #1
Fire Protection District #4
Recreation District #3

Morehouse
Bastrop Area Fire District #2
Fire District #1--Ward 6
Fire District #1--Ward 10
Pointe Coupee
Sewerage District #1

Rapides
Waterworks #11A--Maintenance
Recreational--Maintenance
St. James
Road Light District #1A
Road Light District #2
Road Light District #4
St. Landry
Fire Protection District #3
St. Martin
Sewerage District
St. Mary
West St. Mary Parish Port Commission
St. Tammany
Fire District #4
Fire District #5
Fire District #7
Fire District #9
Fire District #10

THE ADVOCATE
Section 2. The revenue sharing fund for the Fiscal Year 2020-2021 shall consist of the sum of Ninety Million and No/100 ($90,000,000.00) Dollars.

Section 3. The amount to be distributed annually to each parish from the revenue sharing fund shall be the sum of (a) an amount equal to that percentage of eighty percent of the total fund which is equal to the ratio which the population of the parish bears to the total state population and (b) an amount equal to that percentage of twenty percent of the total fund which is equal to the ratio which the number of homesteads in the parish bears to the total number of homesteads in the state. As used in this Section, "Homesteads" shall mean that enumeration of adjusted homestead exemption claims filed with the assessors as determined by the Louisiana Tax Commission of March thirty-first of the current calendar year.

Section 4. Except as provided in Section 5, the state treasurer shall distribute the funds herein allocated to the tax collectors of the respective parishes and to the city of New Orleans.

Section 5. That portion of the fund for the parish of Ouachita allocated to the Monroe City School Board shall be an amount which will reimburse said board, to the extent available and subject to the provisions of Section 9(C) of this Act, for the taxes lost as a result of homestead exemptions based on the Ouachita tax rolls for the current calendar year and shall be distributed directly to the city treasurer of the city of Monroe, who shall pay therefrom the statutorily dedicated deductions for retirement systems. For the purpose of distribution of the balance of the revenue sharing funds the state treasurer may use the amount listed on the prior year Ouachita Parish tax rolls which were due the Monroe City School Board.

Section 6. Eleven and nine-tenths percent of all revenue sharing funds distributed by the provisions of this Act, excluding such funds as are distributed directly to the city of New Orleans and the amount listed on the prior year Ouachita tax rolls which were due the Monroe City School Board ($1,193,019), shall form a special fund ($7,101,569) to be distributed as commissions to the tax collectors of the respective parishes, the city of New Orleans excepted. Each such tax collector shall receive a percentage of this special fund, based on commissions received by him pursuant to Act 153 of the 1973 Regular Session, as provided in Section 8 of this Act.

Section 7.A. Two and forty-four hundredths percent of all revenue sharing funds distributed by the provisions of this Act, excluding such funds as are distributed directly to the city of New Orleans and the amount listed on the prior year Ouachita tax rolls which were due the Monroe City School Board ($1,193,019), shall form a special fund ($1,193,612) to be distributed to the various retirement systems which were eligible for payment pursuant to Act 153 of the 1973 Regular Session and shall make due payment in accordance with the following amounts for the indicated retirement systems for Fiscal Year 2020-2021:

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff’s Retirement System</td>
<td>$10,000,000.00</td>
</tr>
<tr>
<td>Assessor’s Retirement System</td>
<td>$5,000,000.00</td>
</tr>
<tr>
<td>District Attorney’s Retirement System</td>
<td>$3,000,000.00</td>
</tr>
<tr>
<td>Registrars of Voters Employees’ Retirement System</td>
<td>$2,000,000.00</td>
</tr>
</tbody>
</table>

Section 8. The respective percentages to be used in calculating tax collectors’ commissions and retirement system distributions shall be as follows:

<table>
<thead>
<tr>
<th>Parish</th>
<th>Sheriff’s Percentage</th>
<th>Retirement System Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acadiana</td>
<td>1.191%</td>
<td>1.047%</td>
</tr>
<tr>
<td>Allen</td>
<td>0.739%</td>
<td>0.475%</td>
</tr>
<tr>
<td>Ascension</td>
<td>1.283%</td>
<td>0.965%</td>
</tr>
<tr>
<td>Assumption</td>
<td>0.671%</td>
<td>0.499%</td>
</tr>
<tr>
<td>Avoyelles</td>
<td>1.253%</td>
<td>0.851%</td>
</tr>
<tr>
<td>Beauregard</td>
<td>8.924%</td>
<td>5.83%</td>
</tr>
<tr>
<td>Bienville</td>
<td>0.596%</td>
<td>0.405%</td>
</tr>
<tr>
<td>Bossier</td>
<td>1.706%</td>
<td>1.281%</td>
</tr>
<tr>
<td>Caldwell</td>
<td>5.179%</td>
<td>3.53%</td>
</tr>
<tr>
<td>Calcasieu</td>
<td>4.719%</td>
<td>6.051%</td>
</tr>
<tr>
<td>Cameron</td>
<td>0.473%</td>
<td>0.319%</td>
</tr>
<tr>
<td>Catahoula</td>
<td>0.498%</td>
<td>0.36%</td>
</tr>
<tr>
<td>Claiborne</td>
<td>0.543%</td>
<td>0.329%</td>
</tr>
<tr>
<td>Concordia</td>
<td>0.739%</td>
<td>0.486%</td>
</tr>
<tr>
<td>DeSoto</td>
<td>0.547%</td>
<td>0.349%</td>
</tr>
<tr>
<td>East Baton Rouge</td>
<td>7.111%</td>
<td>11.977%</td>
</tr>
<tr>
<td>East Carroll</td>
<td>0.443%</td>
<td>0.276%</td>
</tr>
<tr>
<td>East Feliciana</td>
<td>0.489%</td>
<td>0.236%</td>
</tr>
<tr>
<td>Evangeline</td>
<td>0.739%</td>
<td>0.525%</td>
</tr>
<tr>
<td>Franklin</td>
<td>0.739%</td>
<td>0.757%</td>
</tr>
<tr>
<td>Grant</td>
<td>0.614%</td>
<td>0.307%</td>
</tr>
</tbody>
</table>

The Advocate * As it appears in the enrolled bill
Iberia 2.221% 1.847%
Iberville 1.391% .810%
Jackson 6.453% 4.933%
Jefferson 13.312% 13.856%
Jefferson Davis .693% .766%
Lafayette 3.061% 2.843%
Lafourche 1.928% 1.938%
La Salle 5.498% 5.409%
Lincoln .727% .922%
Livingston 1.679% 1.322%
Madison .443% .401%
Morehouse 1.097% .907%
Natchitoches 1.072% .775%
Ouachita 2.736% 3.200%
Plaquemines 1.436% 1.241%
Pointe Coupee 6.089% 4.222%
Rapides 3.250% 3.751%
Red River .421% .147%
Richland .655% .683%
Sabine .685% .517%
St. Bernard 3.407% 3.065%
St. Charles 1.060% .959%
St. Helena .446% .291%
St. James .928% .739%
St. John the Baptist 1.184% .704%
St. Landry 2.740% 2.013%
St. Martin 1.121% .626%
St. Mary 1.885% 1.826%
St. Tammany 2.577% 2.396%
Tangipahoa 2.773% 1.938%
Tensas .343% .266%
Terrebonne 2.233% 2.173%
Union .590% .409%
Vermilion 1.294% 1.094%
Vernon 1.627% 1.112%
Washington 1.349% .922%
Webster 1.068% 1.131%
West Baton Rouge .705% .516%
West Carroll .464% .466%
West Feliciana .404% .183%
Winn .633% .377%

Section 9. All remaining funds shall be allocated and distributed as follows:
A. Subject to the provisions of Subsection B of this Section and except as provided by Section 5, the tax collector of each parish and the city of the New Orleans shall allocate and distribute, within fifteen days after receipt thereof, to the tax recipient bodies within his jurisdiction an amount available after commissions and deductions which is necessary to offset losses attributable to homestead exemptions. In any parish which had excess funds in 1977, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased or decreased from 1977 to 2018, together with any additional taxing bodies or millages authorized to participate on the same pro rata basis under the provisions of Section 1(a)(3), Section 1(a)(4), and Section 9B of this Act. This restriction shall not apply to the parish of East Carroll and to parishes in which there were no excess funds in 1977. However, in the city of New Orleans the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, except that the amount distributed to the Orleans Levee District or its successor shall be limited solely to the amount used for the reimbursement of homestead exemption losses in 1977 on the Orleans Levee District's two mill tax. The remaining amount shall be adjusted by the percentage by which the number of homesteads in the city of New Orleans increased or decreased from 1977 to 2018, together with any additional taxing bodies or millages authorized to participate on the same pro rata basis under the provisions of Subsection B of this Section.
B. For purposes of this Subsection only, tax recipient bodies shall mean and include any recipient of funds hereunder, but limited solely to such specified distributions. The millages listed shall be included solely as an identification aid for administrative purposes and the new tax approved by the electorate shall be eligible for distribution hereunder, regardless of fluctuations in millage caused by adjustments for reassessment or other purposes. In no event shall any amount be deemed to be within the meaning of Article VII, Section 26 of the Constitution of Louisiana to reimburse losses attributable to homestead exemptions for taxes authorized after January 1, 1978, and any renewal thereof, with the following basic exceptions:
(1) In the parish of Sabine, all millages listed on the tax roll, except the sheriff's original millage, shall be eligible for distribution hereunder. As it appears in the enrolled bill
(2) In the parish of DeSoto, all school board taxes authorized after January 1, 1978, and prior to the convening of the 1979 Regular Session, the 7 mill parishwide school tax authorized May 2, 1967, the 37 mill school special tax authorized October 24, 1967, the assessor's original millage, the maintenance taxes for Fire Protection Districts Nos. 1, 5, 8, and 9 prior to 1990, the 7 mill tax authorized in 1994 for Fire District #2, the additional 8.37 mill tax authorized on November 7, 1978, for the parish law enforcement district, the 1 mill tax authorized April 5, 1997, for Water District #1, the 3 mills tax authorized for the parish library, and the 1 mill tax authorized July 16, 1994, for the Communications District 911 System, shall share on a pro rata basis with all other tax recipient bodies in the parish. The parish road maintenance tax which lapsed in 1983 and which was reauthorized at 5 mills in 1984 shall share on a pro rata basis with all other tax recipient bodies in the parish.
(3) In the parish of Bossier, after full reimbursement of all taxes authorized prior to January 1, 1978, to all other tax recipient bodies in the parish including the additional 3 mills authorized on April 5, 1980, for the law enforcement district and the assessor's original millage, the following new millages shall be reimbursed to the extent available:
- School Board District 13-11.63 mills/September 16, 1978
- School Board District 3-15.1 mills/September 16, 1978
(4) In the parish of Grant, all new millages authorized prior to January 1, 1969, the 10.9 mill tax authorized January 16, 1999, for the library, the millage authorized October 7, 1989, for Fire District No. 1, the 15 mill tax authorized in 1995 for Fire District #3, the additional mills for the law enforcement district and the assessor's original millage, but excluding bond millages, shall share on a pro rata basis with all other tax recipient bodies in the parish.
(5) In the parish of Webster, after full reimbursement of all taxes authorized prior to January 1, 1979, to all other tax recipient bodies in the parish and the assessor's original millage, the following new millages shall be reimbursed to the extent available:
- School Board District 13-15.1 mills/September 16, 1978
- School Board District 3-15.1 mills/September 16, 1978
(6) In the parish of Vernon, all taxes authorized after January 1, 1978, including the additional 7 mills authorized on April 4, 1981, for the law enforcement district, but excluding the sheriff's original millage, shall share on a pro rata basis with all other tax recipient bodies in the parish.
(7) In the parish of East Baton Rouge, the B.R.E.C. Maintenance and Operation and Capital Improvement millages shall be limited to a total of 5.44 mills.
(8) In the parish of Lafourche, the total parish allocation, excluding the tax collector's commission and the retirement systems' deductions shall form a special fund to be distributed as follows:
- Parish Council - 57.40%
- School Board - 27.25%
- South Lafourche Levee District - 2.95%
- Port Commission - 2.06%
- Assessor - 3.32%
- Bayou Lafourche Fresh Water District - 2.82%
- North Lafourche Levee District - 4.20%
Provided, however, that of the funds distributed to the Bayou Lafourche Fresh Water District in any state fiscal year, no less than Ten Thousand ($10,000) Dollars shall be used for the abatement of water hyacinth and other noxious vegetation within the jurisdiction of the district in Lafourche Parish.
(a) Of the amount distributed to the parish the following allocations shall be made:
- Bayou Blue Fire District - 0.42%
- Drainage District No. 1 - 0.90%
- Drainage District No. 5 - 0.65%
- Fire District No. 1 - 0.57%
- Fire District No. 2 - 0.59%
- Fire District No. 3 - 1.39%
- Fire District No. 4 - 0.42%
- Lafourche Ambulance District No. 1 - 61%
- Recreation District No. 2 - 2.81%
- Water District No. 1 - 3.02%
- Health Unit - 3.04%
- Recreation Commission - 5.05%
- Recreation Commission District No. 1 - 0.96%
- Recreation Commission District No. 8 - 0.61%
- Drainage - 10.14%
- Road Lighting - 4.24%
- Public Buildings - 6.19%
- Library - 6.24%
- Criminal - 0.25%
- Road District #1 - 5.46%
- Drainage of 12 - 0.20%
- Drainage of 12 - 0.11%
- Drainage of 12 - 0.14%
- Juvenile Justice - 1.47%
(b) The amount distributed to the school board shall be allocated as follows:
- Schools - 24.31%
- Special Education - 2.94%
(9) In the parish of Calcasieu, the total parish allocation, excluding the tax collector's commission and the retirement systems' deductions, shall form a special fund to be distributed as follows:
- Police Jury--58.5%
- Fire District No. 1 - 28.4%
- Sheriff--11.9%
- Police Jury--5.0% to be distributed to the district attorney
- Lake Charles Harbor and Terminal District--2.8%
- Assessor--2.3%
Vinton Harbor and Terminal District--0.1 mill.

(10) In the parish of Iberville, the library's 1996 millage shall be limited to 2.97 mills.

(11) In the parish of St. Bernard, the assessor's millage shall be limited to 1.47 mills.

(12) In the parish of Livingston, the library's 1995 millage shall be limited to 3.48 mills, and the Juvenile Detention Center's 1995 millage shall be limited to .44 mills, the #2 Fire District's millage shall be limited to .81 mills, and the #9 Fire District's millage shall be limited to 1.96 mills.

(13) In the parish of Assumption, the total parish allocation, excluding the tax collector's commission and the retirement systems' deductions, shall form a special fund to be distributed as follows:
- Law Enforcement District - 30.77%
- Police Jury - 30.25%
- School Board - 28.72%
- Assessment District - 10.26%

(14) The following new millages shall share on a pro rata basis with all other tax recipient bodies in their respective parishes:
- Acadia
  - Bayou des Cannes-Nepique Gravity Drainage District--10 mills/1996
- 5th Ward Gravity Drainage District--5 mills/April, 1980
- Iota-Long Point Gravity Drainage--0.40 mills/October 27, 1979
- Bayou Mallett Gravity Drainage--0.75 mills/April 5, 1980
- 6th Ward and Crowley Dist. Maint.--1.29 mills/Dec. 8, 1979
- Basile School District #7 Maintenance--3.32 mills/May 19, 1979
- Acadia-St. Landry Hospital District--7 mills/November 2, 1982
- Bayou Plaquemine-Wikoff Drainage--5 mills/Jan. 21, 1904
- Road Maintenance--3 mills/Nov. 28, 1981
- Health Unit Mt.--1.06 mills/Nov. 28, 1981
- Fire District #4 Maintenance--8 mills/January 16, 1999
- Assessor's original millage
- Fire District #6 Maintenance--8.01 mills/June 15, 2000

Allen
- Law Enforcement District (Additional)--6.47 mills/April 11, 1992
- Assessor--5.23 mills/1990
- Road Dist. #1--4.86 mills/1992
- Road Dist. #1--20.69 mills/1995
- Road Dist. #1A--8 mills/1995
- Road District No. 2 Maintenance--7 mills/October 6, 1990
- Road District No. 2 Maintenance--10 mills/July 18, 1992
- Road District No. 2 Bridge Maint.--5 mills/July 18, 1992
- Road District No. 3 Maintenance--8.18 mills/March 10, 1992
- Road District No. 3 Maintenance--10 mills/January 20, 1990
- Road Dist. #3--30 mills/1995
- Road Dist. #4--21.12 mills/1995
- Road District No. 4 Maintenance--30 mills/March 10, 1992
- Library--10.76 mills/October 2002
- Courthouse and Jail--4 mills/November 6, 2012
- Road District 5--5.30 mills/November 6, 2012

Ascension
- Law Enforcement District (Additional)--5 mills/Nov. 4, 1980
- Library Maintenance--4.2 mills/November 6, 1990
- Library--2.6 mills/2000
- East Asc. Gravity Drainage Dist.--5 mills/January 20, 1979
- West Asc. Gravity Drainage Dist.--5 mills/November 4, 1980
- West Ascension Gravity Drainage Dist.--4.67 mills/2000
- Mental Health--2 mills/2000
- Road Lighting District No. 1--5 mills/January 16, 1993
- Road Lighting District No. 2--5 mills/January 16, 1993
- Road Lighting District No. 3--5 mills/January 16, 1993
- Road Lighting District No. 4--5 mills/January 16, 1993
- Road Lighting District No. 5--5 mills/January 16, 1993
- Road Lighting District No. 6--5 mills/January 16, 1993
- Road Lighting District No. 7--5 mills/September 27, 1986
- Prairieville Fire District #3--11 mills/July 16, 2005
- Prairieville Fire District #5--10 mills/February 2, 2011
- Assessor's original millage

Avoyelles
- All millages listed on the tax roll, except the sheriff's original millage, shall share on a pro rata basis.
- Beauregard
  - Law Enforcement District--5 mills/April 5, 1980
  - Assessor's original millage
  - Breaux Bridge
    - Solid Waste--6 mills/April 7, 1984
    - Assessor's 1997 millage

Caddo
- Fire Protection District No. 1--5 mills/July 16, 1983
- Juvenile Court--0.12 mills/January 16, 1962
- Jail Facilities--4.00 mills/April 5, 1990
- Courthouse Maintenance--3.00 mills/January 16, 1982
- Law Enforcement District (Cont. Ser.)--4.00 mills/April 30, 1983
- Library--4.90 mills/April, 1988

Library--5.26 mills/April 1996
Fire Dist. No. 2--10 mills/April 7, 1984
Fire Dist. No. 3--10 mills/Sept. 29, 1994
Fire Dist. No. 4--10 mills/Nov. 6, 1984
Fire Dist. No. 5--10 mills/Nov. 6, 1984
Fire Dist. No. 6--10 mills/Jan. 19, 1985
Fire Dist. No. 7--10 mills
Fire Dist. No. 8--4 mills/1999
Fire Dist. No. 9--10 mills/Nov. 18, 1989
Fire Dist. No. 1--10 mills/1989

School Board Operations--11 mills/May 4, 1985
Public Works--6 mills/November 4, 1986
Public Facilities--0.92 mills
Jail--2 mills
Assessor's original millage
Parish Health Unit--1.0 mill/1990

Caldwell
- Accidental
  - Assessor's original millage
  - Broussard
    - Road Lighting District Maintenance--2 mills/1995
    - Road, Street & Bridge Maintenance--1993
    - Road Equipment--1993

Concordia
- School Operation & Maintenance--23.25 mills/September, 1982
- Library--All millages
- Assessor's original millage
- Law Enforcement District--12 mills/April 11, 1992
- Highway, Drainage and Courthouse Maintenance--10 mills/October 16, 1993

East Baton Rouge
- Fire Protection #6 (Hooper Rd.)--10 mills/November 6, 1984
- Fire Protection #3 (Brownfield)--10 mills/November 6, 1984
- Fire Protection #4 (Central)--10 mills/October 8, 1985
- Zachary Constitutional School--5 mills/November 15, 2003
- Baker Constitutional School--5 mills/November 15, 2003

East Carroll
- Garbage District No. 1--7 mills/November 4, 1980
- Parish Library--6.5 mills/1988
- Parish Health Unit--3 mills
- Rural Fire District Maintenance--2 mills
- Courthouse Maintenance--2 mills
- Road Maintenance and Construction--0.75 mills/26 March, 1963
- Drainage Maintenance and Construction--0.75 mills/26 March, 1963
- East Carroll Hospital Service Dist.--5 mills/1984
- Assessor's original millage

East Feliciana

Assessment District, 1997

Evangeline
- Consolidated School Dist. #2--9.47 mills/May 19, 1979
- Basile New School Dist. #7--3.32 mills/2000
- Elderly Services--1 mill/November 4, 1980
- Ward 5 Fire Protection District No. 1--17 mills
- Pine Prairie Fire Protection District--8.95 mills/November 3, 1992
- Acadia-Evangel Fire Protection District--0.97 mills
- Mamou Fire Protection District No. 1--8.50 mills/April, 1995
- Fire District No. 2--5 mills/1999
- District Two Cemetery--1.07 mills
- District Three Cemetery--1.07 mills
- District Seven Cemetery--1.01 mills
- Rural Road District Two--10.00 mills (Additional)
- Road District No. 5--10 mills/1997
- Ward One Cemetery--1 mill/1997
- Ward Four Cemetery--1 mill/1997
- Ward Five Cemetery--1 mill/1997
- Road District Three--48 mills/1987 and 5.0 mills/1999
- Road District Four--10.00 mills (Additional)
- Mamou Gravity Drainage District No. 5--1.56 mills
- Prairie Mamou Gravity Drainage District No. 8--3.40 mills
- Durald Gravity Drainage District No. 4

* As it appears in the enrolled bill
Vidrine Gravity Drainage District No. 7
Assessor's original millage
Lone Pine Fire District--20 mills/November 21, 2012
Franklin
Law Enforcement District--10 mills/July 10, 1982
Assessor's original millage
Library--7 mills/1990
Health Unit--3.0 mills/November 6, 1990
Parish Equipment--8.0 mills/October 16, 1993
Drainage Maintenance--11 mills/October 16, 1993
Courthouse Maintenance--4 mills/October 16, 1993
Iberia
Recreation District No. 8--1.85 mills/November 13, 1993
Assessment District
Iberville
Law Enforcement District (Additional)--5 mills/December 8, 1979
Assessor's original millage
Jackson
Additional Support to Public Sch.--7.07 mills/July 28, 1979
Law Enforcement District--5 mills/ May 16, 1981
Library--All millages
Assessment district
Jefferson
West Jefferson Levee District--All millages
Consolidated Waterworks District No. 1--3.54 mills/ October 19, 2013
Consolidated Sewerage District No. 1--3.58 mills/ October 19, 2013
Lafayette
Lafayette Parish Public Library--1.09 mills/May, 1979
School Board--10 mills/May 4, 1985
Lafayette Parish Sheriff--5.0 mills/May, 1980
Assessor's original millage
Bayou Vermilion District--All maintenance taxes prior to 1990
LaSalle
Law Enforcement District (Additional)--8.2 mills
Library--November 1995
Road District 2B--3.09 mills/April 16, 1988
Road District 2BN--1.03 mills/April 16, 1988
Ambulance Tax--0.65 mills
Road and Bridge--0.66 mills
Health Unit--0.23 mills
Fair Tax--0.09 mills
Special B & C 1A--0.19 mills
Severance--6.04 mills
Fire District--5.32 mills
Little Creek-Seaey Volunteer Fire District--20 mills
Summerville-Rosefield Volunteer Fire District--20 mills
Eden-Fellowship Volunteer Fire District--9.79 mills
Whitall Volunteer Fire District -- Operations -- 10 mills
Whitall Volunteer Fire District -- Maintenance -- 10 mills
Recreation District #22--1.05 mills
Assessor's original millage
Lincoln
Library Const./Mt.--0.75 Mills/January 21, 1978
Law Enforcement District (Additional)--8.5 mills/July 22, 1992
School-Special Maint. & Oper.--0.15 mills/May 18, 1979
School-Special Repair & Equip.--0.15 mills/May 18, 1979
Library--0.71 mills/January 15, 1983
Assessor's original millage
Livingston
Law Enforcement District (Special)--12.19 mills/1976
Recreation District #3--2 mills/May 19, 1979
School District No. 5--5 mills/November 2, 1982
Fire District No. 1--10.04 mills/1986
Fire District No. 5--10 mills/November 6, 1984
Fire District No. 7--5 mills/1999
Fire District No. 10--10.33 mills/1985
Fire District No. 11--All millages
Roads & Bridges--5 mills/November 3, 1992
Madison
Assessor's original millage
Morehouse
Bastrop Area Fire Pro. Dist. No. 2--2 mills/Nov. 7, 1978
Assessor's original millage
Library--1 mill/Jan. 20, 1990
Natchitoches
Law Enforcement District (Additional)--10 mills/May 16, 1981
Fire District No. 6--7 mills
Parish Ambulance Tax
Fire District No. 7--10 mills
Goldonna Area Fire Protection Dist. No. 2
Library--3 mills/1988
Assessor's original millage
City of New Orleans
Board of Assessors' original millage
Ouachita
Ouachita Parish Road Lighting District No. 1 (Lakeshore Area)
Ouachita Parish Assessment District
Green Oak Juvenile Detention Home -- 3.75 mills/1996
Library -- 7.75 mills/1995
Plaquemines
School Board Tax--6 (4 Maint./2 Sal.) mills/November 19, 1983
Law Enforcement District (Additional)--5 mills/May 4, 1985
Water--2.47 mills in 1992
Law Enforcement District--1.24 mills in 1992
Pollution Control--2.47 mills in 1992
Road Maintenance--1.86 mills in 1992
Public Health--1.24 mills in 1992
Waste Disposal--3.69 mills in 1992
Incineration--1.24 mills in 1992
Hospital--2.54 mills in 1992
Law Enforcement Jail Fac. Prop. 1--6 mills/October 3, 1992
Assessor's original millage
Pointe Coupee
Law Enforcement District (Additional)--10 mills/April 4, 1981
School Board--5.83 mills/April 4, 1981
Library--1.22 mills/April 4, 1981
Fire Protection Dist. #1--All maint. millages prior to 1991
Fire Protection District #2--3 mills/October 17, 1981
Fire Protection District #3--3 mills/October 17, 1981
Fire Protection District #4--3 mills/October 17, 1981
Fire Protection District #5--5 mills/October 17, 1981
Sewerage Dist. No. 1 Mt.--5 mills/July 9, 1977 (levied 1980)
Assessor's original millage
Rapides
Rapides Parish School Board--20 mills/April 1, 1978
Rapides Parish School Board--15.20 mills/May 13, 1978
Gravity Drainage District #1 Main.--1 mill/October 17, 1981
Road District 1A (Ward 4)
Road District 2C
Road District 3A
Road District 5A
Road District 6A (Ward 6)
Road District 7A (Ward 7)
Road District 36 (Ward 8)
Road District 9B (Ward 9)
Road District 10A (Ward 10)
Road District 2B (Ward 1A--0.11)
Fire District #8 (Maint.)--20 mills/April 30, 1983
School District No. 11 (Ward 10)--2 mills/May 7, 1980
School District No. 50 (Ward 11)--2 mills/September 11, 1982
School Dist. No. 51 (Ward 5)--All maint. millages prior to 1990
Consolidated School Dist. No. 62--4.02 mills/April 4, 1997
Consolidated School Dist. No. 62--4.00 mills/April 16, 1988
Fire District No. 5--20 mills/Nov. 4, 1986
Fire District No. 3--12 mills/Oct. 19, 1985
Fire District No. 7--6 mills/May 3, 1986
Fire District No. 9
Fire District No. 10--20 mills/Nov. 4, 1986
Fire District No. 11
Fire District No. 12
Assessor's original millage
Plainview Fire District No. 10--10 mills/1990
Fire District #4
Fire District #7
Senior Citizens
Buckeye Recreational District
Flatwoods Fire District
Law Enforcement District (Additional)--Nov. 6, 1984
Fire District No. 6--20 mills
Library--6.0 mills/January 15, 1994
Library--1.00 mill/September 30, 2006
Recreational District Ward 9--6.14 mills/November 17, 2001
Red River
Law Enforcement District (Additional)--5 mills/April 5, 1980
St. Bernard
St. Bernard Port, Harbor and Terminal District--All millages
Library--All millages
St. Charles
Law Enforcement District (Add.)--7.75 mills/Nov. 4, 1980
Library--3 mills/September 27, 1986
Law Enforcement District--3.75 mills/July 16, 2005
Assessor's original millage
St. Helen
Parishwide Road District Maintenance
Road District #1 Maintenance
Sub-Road District #2 of Road District #2 Maintenance
Road District #3 Maintenance
Road District #4 Maintenance
Road District #5 Maintenance
Road District #6 Maintenance
Parish Library
CODING: Words in * are deletions from existing law; words underscored (House Bills) and underscored and boldfaced * As it appears in the enrolled bill
CODING: Words in italics and underscored (House Bills) and in bold (Senate Bills) are from the enrolled bill.

**THE ADVOCATE**

### The Advocate

*As it appears in the enrolled bill*

**Page 10**

**Washington**

Tensas

- Sheriff's original millage, shall share on a pro rata basis.
- Millages authorized on April 5, 1980, and May 5, 1984, with the exception of
- St. Tammany

- Library--4.57 mills/1987
- Bogalusa City Schools Main./Op.--23 mills/1989
- Library--4.57 mills/1987

- Assessor's millage
- Rich. FD #2--8 mills/1989
- Bonner Creek Fire Dist.--8.46 mills/1987
- Bonner Creek Fire Dist.--5 mills/1996
- Spring Hill Fire Dist.--5.73 mills/1995
- Spring Hill Fire District #6--6 mills/1996
- Mt. Herman Fire Dist. #9--16 mills/1995
- Pine Fire Dist.--4--10 mills/1995

- Law Enforcement District #5--10 mills/1992
- Varnado Fire Dist. #6--10 mills/1992
- Fire Dist. #7--5 mills/1996
- Fire Dist. #7--12.27 mills/1992
- Haynes Creek Fire District #3--17 mills/1999
- Florida Parishes Juvenile Detention Center--3 mills/1995

- West Baton Rouge
- Law Enforcement District (Additional)--5 mills/1980

- West Carroll
- Ward 1 Road Maintenance--5.45 mills
- Ward 2 Road Maintenance--4.59 mills
- Ward 4 Road Maintenance--5.70 mills/1998
- Ward 4 Road Maintenance--9.49 mills/1996

- Law Enforcement District (Additional)--15.18 mills/1987
- Assessor's original millage

- St. Landry
- Library--1979 millage
- Public Health Unit Maintenance--6.5 mills/1980
- Roads & Bridges--8 mills/March 30, 1983
- School Parishwide Maintenance--10 mills/1990

- West Feliciana
- Law Enforcement District (Additional)--6 mills/1986
- Assessor's original millage

- Winn
- Library--1979 millage
- Library--3 mills/1999

### C.1

- If the amount distributed to the tax collector and the city of New Orleans is less than the amount required to reimburse tax losses on the basis of the tax rolls of the current calendar year as provided in Subsection A of this Section, the tax collector and the city of New Orleans shall prorate such lesser amount among the various tax recipient bodies within the parish so that the lesser amount received by each tax recipient body shall be proportionate to the reduction in the total amount distributed to each parish, and the amount distributed by the state treasurer to the tax collector of the city of Monroe shall be based upon similar prorating, if necessary; however, in the parish of St. Bernard, the Lake Borgne Levee District shall receive a minimum of $34,000 and, in Allen Parish the Special Law Enforcement District shall receive a minimum of $15,000 and the Assessor shall receive a minimum of $58,000.  C.2

- No bond millages levied to service bonds under the authority of the Louisiana Constitution Article VI, Section 33(B) or Article XIV, Section 14 of the Louisiana Constitution of 1921 or any other constitutional or statutory authority for the issuance of general obligation bonds shall share in the proceeds of this Act and the governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature; the only exceptions to this prohibition shall be specifically included in this Subsection.  In the parish of Natchitoches, bond millages shall share and any tax recipient body in said parish otherwise eligible to participate in the revenue sharing fund may use the funds for the retirement of the principal, interest, or premium, if any, or any combination thereof, on any bond indebtedness of such tax recipient body.  In the parish of Livingston the millage authorized in 1975 for the parish health unit shall share as an operation and maintenance millage.  In the parish of Avoyelles, the Ward 7 School District Construction Tax and the Ward 10 School District Construction Tax shall each share as an operation and maintenance millage.  The above share amount shall be based on the assessment of the schools designated in this Section and the school bond millages listed in Section 9(B)(3) shall share as provided therein.

### (3)

- In the parish of St. Tammany, the parish governing authority shall make available out of its allocated funds a sufficient amount for the operation and maintenance of the food stamp offices and the service office for...
veterans established under R.S. 29:261. In the parish of St. Tammany, the parish governing authority shall make available out of its allocated funds for the operation of the St. Tammany Humane Society. In the event of any decrease in the state’s appropriated portion of the salaries of the St. Tammany Parish Registrar of Voters Office, the parish governing authority shall make available out of its allocated funds a sufficient amount to replace such state funds, not to exceed $15,537.58. Of the funds allocated within the parish of Claiborne, ten thousand dollars shall be allocated to the Orleans Parish Department of Community Services to be used for the operation of an outreach program at the St. Rose Community Center. Of the funds allocated within the parish of acadia, $180,000 shall be distributed to the law enforcement district.

Section 10. In the event the distribution to the tax collector in each parish and to the city of New Orleans is more than the amount necessary to satisfy the requirements of Sections 6 and 7 of this Act and to reimburse all tax recipient bodies for the excess amount of such funds then so distributed to all of the incorporated municipalities in each parish, in the same amounts of funds as were paid prior to the recent reductions or decreases in such salaries or benefits; however, if the excess funds are insufficient to restore the salaries or benefits to their former level or amount, then the excess funds shall be distributed on a pro rata basis.

(1) In the parish of Plaquemines, one hundred percent thereof to the parish governing authority, and fifty percent thereof to the parish school board.

(2) In the parishes of Cameron, St. Charles, and St. John the Baptist, seventy-five percent thereof to the parish governing authority, and twenty-five percent thereof to the parish school board.

(3) In the parish of Jefferson, sixty percent thereof to the city of New Orleans, and thirty percent thereof to the Orleans Parish School Board.

(4) In the parish of Jefferson, sixty percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and fifteen percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis. However, no less than twenty-five percent of the funds distributed to the parish governing authority in this Paragraph shall be utilized for existing drainage projects and for providing for additional pumps for those projects and excluding normal labor operating costs and other normal operational costs; such funds may also be used to repair parish property damaged by storms.

(5) In the parishes of Acadia, Bienville, East Feliciana, Franklin, Jackson, St. Helena, St. James, Vernon, Washington, and West Feliciana, fifty percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis. In the parish of Claiborne the tax collector shall retain the sum of thirty-five thousand dollars of the excess, in addition to the commission provided in Section 6 of this Act, and the balance of the excess shall be distributed as provided in this Paragraph. However, in the parish of Claiborne, the tax collector shall retain the sum of thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the parish school board, and thirty-three and one-third percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(6) In the parish of Jefferson, Davis, the portion of the excess equal to the amount of excess funds then so distributed to all of the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis. However, no less than twenty-five percent of the funds distributed to the parish governing authority in this Paragraph shall be utilized for existing drainage projects and for providing for additional pumps for those projects and excluding normal labor operating costs and other normal operational costs; such funds may also be used to repair parish property damaged by storms.

(7) In the parish of St. Landry, thirty thousand dollars to the parish school board for the operation of two food processing plants and the remainder as follows: twenty-five percent to the sheriff for the operation and maintenance of his office; twenty-five percent to the parish school board for use by the school district according to the following formula: twenty-five percent thereof to the incorporated municipalities in the parish, two thousand one hundred dollars to be distributed to each incorporated municipality and the balance thereof to be distributed to such incorporated municipalities pro rata on a population basis.

(8) In the parishes of Catahoula and Concordia, forty-four percent thereof to the parish governing authority, thirty-three percent thereof to the parish school board, and twenty-three percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis; prior to the distribution of any excess funds in Concordia Parish, the parish libraries therein shall be reimbursed an amount equal to any increase in the sheriff’s commission deducted from library taxes over and above the percentage authorized to be deducted in the 1975 calendar year; and the balance of the excess shall be distributed as provided in this Paragraph. However, in the parish of Catahoula, the tax collector shall retain the sum of thirty-three thousand dollars of the excess, in addition to the commission provided in Section 6 of this Act, and the balance of the excess shall be distributed as provided in this Paragraph.

(9) In the parishes of Sabine and Tangipahoa, forty percent thereof to the parish governing authority, thirty percent thereof to the parish school board, and thirty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(10) In the parishes of Tensas and Winn, thirty-five percent thereof to the parish governing authority, thirty-five percent thereof to the parish school board, and thirty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(11) In the parishes of Allen, Avoyelles, Bossier, Claiborne, DeSoto, East Carroll, Evangeline, Iberia, Lafayette, Lincoln, Madison, Rapides, Richland, St. Landry, St. Martin, St. Mary, St. Tammany, Tensas, and Winn, forty percent thereof to the parish governing authority, thirty percent thereof to the parish school board, and thirty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

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the same amounts of excess funds distributed in 1972 to each incorporated municipality in the parish, the excess over the amounts distributed in 1972 shall be allocated and distributed in the parish in the ratio that the population in each bears to the total population of all of the incorporated municipalities in the parish.

However, in the parish of Pointe Coupee, the sheriff shall retain the sum of ten thousand dollars of such excess amount, in addition to the commission provided for in Paragraph (12) of this Section, for the operation and maintenance of his department, and the balance of the excess shall be distributed as provided above in this Paragraph.

(13) In the parish of Ouachita, the funds shall be distributed as follows: thirty-three percent thereof to the parish governing authority; thirty-three percent thereof to the city and parish school boards to be prorated between the city and parish school boards on the basis of public school population, and thirty-three percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(14) In the parish of Caddo, twenty-five percent thereof to the parish governing authority, thirty-five percent thereof to the parish school board, and forty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(15) In the parish of East Baton Rouge, such excess amount shall be distributed to the East Baton Rouge Parish School Board, the East Baton Rouge City-Parish Government, the town of Zachary, the city of Baker and the East Baton Rouge Parish Recreation Commission in proportion to the ad valorem taxes collected by or reimbursed to each and sales taxes collected by each in the twelve-month period ending June 30, 1974, and every subsequent twelve-month period. However, twenty thousand dollars of such excess funds shall be devoted to the following volunteer fire departments: Pride, Sharon Hills, Central, Brownfield and East Side.

(16) In the parish of Calcasieu, thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the parish school board, and thirty-three and one-third percent thereof to the incorporated municipalities in the parish, two thousand one hundred dollars to be distributed to each incorporated municipality and the balance thereof to be distributed to such incorporated municipalities pro rata on a population basis.

(17) In the parish of Beauregard, forty percent thereof to the parish governing authority, thirty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(18) In the parish of Morehouse, one-third thereof to the parish governing authority, and one-third thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(19) In the parish of Grant, fifty percent thereof to the sheriff and fifty percent thereof to the parish governing authority.

(20) In the parish of Lafourche, one hundred percent thereof to the parish governing authority, the first two hundred thousand dollars of which shall be used for existing parish roads.

(21) In the parishes of Caldwell and LaSalle, one-third thereof to the parish governing authority, and one-third thereof to the parish school board, and one-third thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities in the parish, in proportion to the total assessed valuation of the parish, on a basis of one-third each to the parish governing authority, one-third to the parish school board, and one-third to the incorporated municipalities.
Section 13. The state treasurer shall distribute one-third of the total amount herein allocated to the parishes from the revenue sharing fund to the parish tax collector, or in Orleans Parish to the city of New Orleans, not later than the first day of December in each year, one-third thereof not later than the fifteenth day of March in each year, and one-third thereof not later than the fifteenth day of May in each year, and each one-third of the total allocation shall be distributed in accordance with the provisions of Sections 6, 7, 9, and 10 of this Act; however, the legislative auditor may authorize the granting of an extension of no more than thirty (30) days for any such city or parish, provided that the state treasurer shall not be required to advance receipt of such funds is reasonably necessary. If the state treasurer does not distribute the fund on or before the dates specified in this Act, any interest or other income derived by the state from the parish allocations, earned prior to the due date of the parishes as distributions within the parish as required by the foregoing provisions of this Act, shall be paid over a pro rata basis together with the principal amounts due the parishes under the provisions of this Act. Any interest or other income derived by the parish tax collector or the city of New Orleans from the investment or other use of such total parish allocations received from the state treasurer, earned prior to the distribution of funds to the parish as required by the foregoing provisions of this Act, shall be paid over a pro rata basis together with the principal amounts due the local recipients under the provisions of this Act upon distribution thereto, and the parish tax collectors or the city of New Orleans may retain only investment income earned on that portion of the total parish allocation to which they are otherwise entitled under the provisions of this Act. In light of the fact that all assessment roll figures will not be available in time to base the December distribution by the treasurer on current figures, the distribution of funds on the first day of December pursuant to this Act shall be based on the figures of the Committee on Revenue Sharing Funds as of the first of September in each year. The remaining two distributions on the first day of March and the fifth day of May shall be based on current figures for Fiscal Year 2020-2021, and such distributions shall be adjusted to compensate for the differences resulting in use of the Fiscal Year 2019-2020 figures for the December distribution.

Section 14. On or before such date as shall be established by the state treasurer, each tax collector, the city of New Orleans, and the city treasurer of the city of Monroe annually shall file with the state treasurer, on such forms as shall be prescribed by the state treasurer, all information necessary to the computation of the funds to be distributed within the parishes, including, but not limited to, a listing of all such local entities seeking eligibility for funds as a tax recipient body under the qualifications set out in Section 1(a) of this Act, all new millages of such tax recipient bodies as are listed in Section 9(b) of this Act, all remaining authorities on the tax rolls which are otherwise ineligible to participate in the distribution of revenue sharing funds as tax recipient bodies. The listing shall include such verification for eligibility as may be required by the state treasurer and, notwithstanding the provisions of Section 12 of this Act, no revenue sharing funds shall be distributed prior to receipt and acceptance by the state treasurer of such information and verification. The same authorities shall in the same manner submit to the state treasurer a statement of the amount of revenue sharing funds distributed to each recipient of such funds, including the amount deducted for sheriffs' commissions and for retirement system contributions and shall state clearly on such forms the amount of the distribution to each such recipient which is derived from excess funds and the amount of such distribution which represents reimbursement for tax losses by reasons of the homestead exemption. Each such statement shall also include the amount of any revenue sharing funds which remain to be distributed to the recipients to which such remaining funds will be distributed.

Approved by the Governor, June 13, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 336

HOUSE BILL NO. 826

BY REPRESENTATIVES PRESSLY, AMEDEE, BAGLEY, ROBBY CARTER, CREWS, EMMERSON, FIRMENT, FREIBERG, FRIEMAN, GAROFALO, HARRIS, HORTON, LACOMBE, MCCORMICK, SEABEAUGH, THOMAS, AND WHEAT

To enact R.S. 9:2800.25 and R.S. 29:773, relative to the limitation of liability: to provide for the limitation of liability during the COVID-19 public health emergency; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons; to provide for the liability of certain natural and juridical persons.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 337

HOUSE BILL NO. 8

BY REPRESENTATIVES BOURRAQUE, ADAMS, AMEDEE, BRASS, BROWN, CARPENTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, DESHOTEL, DUBUISSON, ECHOLS, EDMONSTON, FARNUM, FIRMENT, GADBERRY, GREEN, HARRIS, ILLG, JEFFERSON, JENKINS, MIKE JOHNSON, JONES, KERNER, LARVADAIN, LYONS, MIGUEL, PAGE 13
To enact R.S. 11:710(G) and 710.1, relative to the reemployment of retirees from the Teachers' Retirement System of Louisiana; to provide relative to earnings and benefits of substitute classroom teachers; and to provide for related matters.

SECTION 1. R.S. 11:710(G) and 710.1 are hereby enacted to read as follows:

§710. Employment of retirees on or after July 1, 2020

A. Except as otherwise provided in this Section, any retiree who returns to active service with an employer covered by the provisions of this Chapter shall have his benefit suspended for the duration of his period of reemployment under this Section. If the retiree has any subsequent employment that is not full-time service, the retirer shall be considered as returning to active service under the provisions of Option 1 above.

B. Any retiree who continues to be covered by R.S. 11:710 may elect to be covered by the provisions of this Section. Any retiree who makes an election to be covered by this Section shall no longer be covered by the provisions of R.S. 11:710.

C. Any retiree who returns to active service covered by the provisions of this Chapter within the twelve-month period immediately following the effective date of such retirement shall have his retirement benefits suspended for the duration of such active service or the lapse of twelve months from the effective date of his retirement, whichever occurs first, even if such service is based on employment by contract or cooperative contract.

D. Any retiree who returns to active service covered by the provisions of this Chapter within the twelve-month period immediately following the effective date of his retirement shall have his retirement benefits suspended for the duration of such active service or the lapse of twelve months from the effective date of his retirement, whichever occurs first, even if such service is based on employment by contract or cooperative contract.

E. Any retiree who returns to active service covered by the provisions of this Chapter shall have his benefit suspended for the duration of his period of reemployment if such reemployment is based on a contract or corporate contract. The retiree and his employer shall not make contributions to the system during such time, and he shall receive no additional service credit and shall not accrue any additional retirement benefits.

F. Any retiree who returns to active service covered by the provisions of this Chapter shall have his benefit suspended for the duration of his period of reemployment if such reemployment is based on a contract or corporate contract. The retiree and his employer shall not make contributions to the system during such time, and he shall receive no additional service credit and shall not accrue any additional retirement benefits.

G. Any retiree who is reemployed in a full-time position exercising Option 1 as provided in this Paragraph may prospectively exercise Option 2 any time prior to or after reaching twenty-five percent of his final average compensation during any fiscal year. If actual earnings exceed this amount in any fiscal year, the benefits earned during that year shall be limited to that amount in excess of twenty-five percent of his final average compensation.

H. During the period of his return to active service, the retiree and his employer shall make contributions to the retirement system as otherwise required. Any supplemental benefit based on reemployment service credit and shall not accrue any additional retirement benefits in the retirement system. Upon termination of active service, the retiree shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

I. Any retiree employed in a full-time position exercising Option 1 as provided in this Paragraph may prospectively exercise Option 2 any time prior to or after reaching twenty-five percent of his final average compensation. In such case, the benefits earned during the period of reemployment shall be limited to that amount in excess of twenty-five percent of his final average compensation.

J. During the period of his return to active service, the retiree and his employer shall make contributions to the retirement system as otherwise required. Any supplemental benefit based on reemployment service credit and shall not accrue any additional retirement benefits in the retirement system. Upon termination of active service, the retiree shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.
To amend and reenact R.S. 40:1646.5(B), 1664.9(D)(3), (K), and (L), and 1664.11(B)(1) are hereby amended and reenacted and R.S. 40:1664.5 and 1664.9(D)(3), (M), (N) and (K) are enacted to read as follows:

$1640. State fire marshal; owners; life safety systems and equipment inspections; penalties; exceptions

B. (1) Except as provided in Paragraph (2) of this Subsection, The owner of any building containing a life safety system and equipment, or the owner's designated representative, shall cause at a minimum an annual inspection and certification to be made of the life safety system and equipment to determine whether the building complies with applicable life safety standards, and that the building is maintained in accordance with the requirements of the applicable building code.

(2) This Paragraph shall not apply to the owner of a building with two stories occupied by a single tenant wherein the owner is the tenant and the tenant is regularly inside of the building.

The provisions of Paragraph (1) of this Subsection shall not apply to the conveyance of any building.

$1664.3. Definitions

As used in this Subpart, the following terms shall have the meanings specified in this Section:

(7) “Board” means the Louisiana Life Safety and Property Protection Advisory Education Board.
H. The state fire marshal is authorized to order fingerprint analysis or any other analysis or documents deemed necessary by the state fire marshal for the purpose of verifying the identity of a person on or principal or owner or his designated officer of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(1) Fees; license endorsements for firms and persons; certifications; Louisiana Life Safety and Property Protection Trust Fund

D. (a) An attestation, submitted in the form of a notarized affidavit that the person who seeks licensure has worked as a conveyance device mechanic, as defined in this Subpart, for not less than four years and six thousand hours, within the last five years, without immediate or direct supervision prior to application for licensure.

(b) An attestation, submitted in the form of a notarized affidavit that the person who seeks licensure has worked as a conveyance device mechanic, as defined in this Subpart, for not less than two years and three thousand hours, within the last three years, without immediate or direct supervision prior to application for licensure and that the person has received a National Association of Elevator Contractors Certified Elevator Technician (CET) program, Level 1 certification or equivalent, or is enrolled in the National Association of Elevator Contractors Certified Elevator Technician (CET) program.

(2) All attestations shall be submitted in the form of a notarized affidavit.

(3) A temporary conveyance device mechanic license shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(4) Temporary licenses may be approved by the office of state fire marshal for renewal. The requesting licensed conveyance device mechanic firm shall provide a notarized attestation to the office of state fire marshal certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(5) All attestations shall be submitted in the form of a notarized affidavit.

(6) Any continuing education requirements developed and approved for persons who hold technical endorsements provided for in Paragraph (C)(11) of this Section shall be in accordance with R.S. 40:1664.11(G) or (H).

K. (1) A temporary conveyance device mechanic license may be issued by the office of state fire marshal upon receipt of either the following:

(a) An attestation from the requesting licensed conveyance device mechanic firm that, despite its best efforts, there is an insufficient number of licensed conveyance device mechanics needed to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(b) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities.

(2) Temporary conveyance device mechanic licenses shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(3) Temporary licenses may be approved by the office of state fire marshal for renewal. The requesting licensed conveyance device mechanic firm shall provide a notarized attestation to the office of state fire marshal certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(4)的要求 may be submitted by the office of state fire marshal when an emergency exists in the state due to a natural disaster, as declared by the president of the United States or the governor, or major work stoppage, and the requesting licensed conveyance device mechanic firm shall submit an attestation to the office of state fire marshal certifying each of the following:

(a) The number of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(b) The shortage of licensed conveyance device mechanics in the state jeopardizes the safety of the public.

(c) The shortage of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(5) A temporary conveyance device mechanic license may be issued by the office of state fire marshal when an emergency exists in the state due to a natural disaster, as declared by the president of the United States or the governor, or major work stoppage, and the requesting licensed conveyance device mechanic firm shall submit an attestation to the office of state fire marshal certifying each of the following:

(a) The number of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(b) The shortage of licensed conveyance device mechanics in the state jeopardizes the safety of the public.

(c) The shortage of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(6) Initial and renewal fees for temporary licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.

(7) The state fire marshal is authorized to order fingerprint analysis or any other analysis or documents deemed necessary by the state fire marshal for the purpose of verifying the identity of a person on or principal or owner or his designated officer of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(8) A temporary conveyance device mechanic license shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(9) The state fire marshal is authorized to order fingerprint analysis or any other analysis or documents deemed necessary by the state fire marshal for the purpose of verifying the identity of a person on or principal or owner or his designated officer of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(10) A temporary conveyance device mechanic license shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(11) All attestations shall be submitted in the form of a notarized affidavit.

(12) Initial and renewal fees for emergency licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.
The membership of the state central committee of a recognized political party shall be elected every four years at the same time as the presidential preference primary election. The term of office shall not extend beyond the time for which the member was elected. 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 the signature of 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 13, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State
department and the appropriate licensing agency of another state which permits a license under a license granted by the other state to engage in virtual currency business activity within the state of a resident.

(11) “Registee” means a person that registers with this state pursuant to R.S. 6:1390 to conduct virtual currency business activity.

(12) “Registration” means the ability pursuant to R.S. 6:1389 to conduct virtual currency business activity.

(13) “Regulated financial institution” means a federally chartered or state-chartered depository institution and its wholly-owned subsidiaries, a Louisiana state-chartered trust company, a trust company chartered by another state, or a federally chartered trust company.

(14) “Regulated financial institution” shall not include either of the following:

(i) An industrial loan company

(ii) A trust company chartered by a state with which this state does not have a reciprocity governing trust-company activities.

(14)(a) “Resident” means any of the following:

(i) A person who is domiciled in this state.

(ii) A person who is physically located in this state for more than one hundred eighty-three days of the previous three hundred sixty-five days.

(b) “Resident” shall include a legal representative of a person that meets one of the criteria provided for in Subparagraph (a) of this Paragraph.

(15) “Responsible individual” means an individual who has managerial authority with respect to a licensee's or registre's virtual currency business activity with, or on behalf of, a resident.

(16) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) “Virtual currency” means a digital representation of value that is not legal tender, whether or not denominated in legal tender.

(18) “Virtual currency administration” means issuing virtual currency with the authority to redeem the currency for legal tender, bank credit, or other virtual currency.

(19) “Virtual currency business activity” means one or more of the following:

(a) Exchanging, transferring, or storing virtual currency or engaging in virtual currency administration, whether directly or through an agreement with a virtual currency control services vendor.

(b) Issuing virtual currency, if the virtual currency business activity of the creditor is limited to extending a credit or making a loan to a resident.

(c) Exchanging one or more digital representations of value used within one or more online games, game platforms, or family of games sold by the same publisher or offered on the same game platform.

(20) “Virtual currency business activity” means any of the following:

(a) Exchanging, transferring, or storing virtual currency or engaging in virtual currency administration, whether directly or through an agreement with a virtual currency control services vendor.

(b) Issuing virtual currency, if the virtual currency business activity of the creditor is limited to extending a credit or making a loan to a resident.

(c) Exchanging one or more digital representations of value used within one or more online games, game platforms, or family of games sold by the same publisher or offered on the same game platform.

(21) “Virtual currency administration” means issuing virtual currency with the authority to redeem the currency for legal tender, bank credit, or other virtual currency.

(22) “Virtual currency business activity” means any of the following:

(a) Exchanging, transferring, or storing virtual currency or engaging in virtual currency administration, whether directly or through an agreement with a virtual currency control services vendor.

(b) Issuing virtual currency, if the virtual currency business activity of the creditor is limited to extending a credit or making a loan to a resident.

(c) Exchanging one or more digital representations of value used within one or more online games, game platforms, or family of games sold by the same publisher or offered on the same game platform.

§1383. Applicability

A. Except as otherwise provided in Subsection B of this Section, the provisions of this Chapter govern the virtual currency business activity of a person, who is located, who engages in or holds itself out as engaging in the activity with, or on behalf of, a resident.

B. This Chapter shall not apply to the exchange, transfer, storage or virtual currency or virtual currency administration to the extent the activity is governed by any of the following federal or state laws:


(4) The Louisiana Securities Law, R.S. 51:701 et seq.

C. This Chapter shall not apply to activity by any of the following:

(1) The United States, a state, political subdivision of a state, agency, or instrumentality of federal, state, or local government, or a foreign government or its political subdivision, department, agency, or instrumentality of a foreign government.

(2) A regulated financial institution.

(3) A person whose participation in a payment system is limited to providing clearing, processing, or performing settlement services solely for transactions that are exempt from the licensing or registration requirements of this Chapter.

(4) A person engaged in the business of dealing in the virtual currency of another person.

(5) A person who does not engage in virtual currency business activity.

(a) Provides only connectively software or computing power to a decentralized virtual currency or to a protocol governing transfer of the digital representation of value.

(b) Provides virtual data storage or security services for a business engaged in virtual currency business activity and does not otherwise engage in virtual currency business activity on behalf of another person.

(c) Provides to a person other exempt from the provisions of this Chapter virtual currency as one or more enterprise solutions used solely for personal, family, or household purposes or for academic purposes.

(7) A person whose virtual currency business activity with, or on behalf of, residents is reasonably expected to be valued, in the aggregate, on an annual basis, of five thousand dollars or less, measured by the United States dollar equivalent of virtual currency.

(8) A person, other than a resident, that is an end-user of virtual currency.

(9) A person using virtual currency, including creating, investing, buying or selling, or obtaining virtual currency as payment for the purchase or sale of goods or services, solely on the person's own behalf.

(10) A person whose virtual currency business activity with, or on behalf of, residents is reasonably expected to be valued, in the aggregate, on an annual basis, of five thousand dollars or less, measured by the United States dollar equivalent of virtual currency.

(11) A secured creditor pursuant to R.S. 10:9-101 et seq., or a creditor with a commercial paper transaction completed on or after the effective date of the credit.

(12) A virtual currency control services vendor.

(13) A person who does not receive compensation from a resident for providing virtual currency products or services or for conducting virtual currency business activity, or that is engaged in testing products or services with the person's own funds.

D. The department may determine that a person or class of persons, given facts particular to the person or class, are exempt from the provisions of this Chapter, whether the person or class is covered by requirements imposed pursuant to federal law on a money-service business.

§1384. Licensure general

A. None unengage in virtual currency business activity, or hold itself out as being able to engage in virtual currency business activity, with, or on behalf of, a resident unless the person is one of the following:

(1) The United States, a state, political subdivision of a state, agency, or instrumentality of federal, state, or local government, or a foreign government or its political subdivision, department, agency, or instrumentality of a foreign government.

(2) A regulated financial institution.

(3) A person whose participation in a payment system is limited to providing clearing, processing, or performing settlement services solely for transactions that are exempt from the licensing or registration requirements of this Chapter.

(4) A person engaged in the business of dealing in the virtual currency of another person.

(5) A person who does not engage in virtual currency business activity.

(a) Provides only connectively software or computing power to a decentralized virtual currency or to a protocol governing transfer of the digital representation of value.

(b) Provides virtual data storage or security services for a business engaged in virtual currency business activity and does not otherwise engage in virtual currency business activity on behalf of another person.

(c) Provides to a person other exempt from the provisions of this Chapter virtual currency as one or more enterprise solutions used solely for personal, family, or household purposes or for academic purposes.

(7) A person whose virtual currency business activity with, or on behalf of, residents is reasonably expected to be valued, in the aggregate, on an annual basis, of five thousand dollars or less, measured by the United States dollar equivalent of virtual currency.

(8) A person, other than a resident, that is an end-user of virtual currency.

(9) A person using virtual currency, including creating, investing, buying or selling, or obtaining virtual currency as payment for the purchase or sale of goods or services, solely on the person's own behalf.

(10) A person whose virtual currency business activity with, or on behalf of, residents is reasonably expected to be valued, in the aggregate, on an annual basis, of five thousand dollars or less, measured by the United States dollar equivalent of virtual currency.

(11) A secured creditor pursuant to R.S. 10:9-101 et seq., or a creditor with a commercial paper transaction completed on or after the effective date of the credit.

(12) A virtual currency control services vendor.

(13) A person who does not receive compensation from a resident for providing virtual currency products or services or for conducting virtual currency business activity, or that is engaged in testing products or services with the person's own funds.

D. The department may determine that a person or class of persons, given facts particular to the person or class, are exempt from the provisions of this Chapter, whether the person or class is covered by requirements imposed pursuant to federal law on a money-service business.
resident and a copy of any agreement with that person.
(e) A list of both of the following:
(i) Each money service or money transmitter license the applicant holds in another state and the date the license expires.
(ii) Any license revocation, license suspension, or other disciplinary action taken against the licensee in another state and any license applications rejected by another state.
(f) A list of any criminal conviction, deferred prosecution agreement, or pending criminal proceeding in any jurisdiction against all of the following:
   (i) The applicant.
   (ii) Each executive officer of the applicant.
   (iii) Each responsible individual of the applicant.
   (iv) Each person that has control over the applicant.
   (v) Each person over which the applicant has control.
   (g) A list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant, or an executive officer or a responsible individual of the applicant, has been a party in the five years before the application is submitted, determined to be material in accordance with generally accepted accounting principles and to the extent the applicant would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's audited financial statements, reports to equity owners, and similar statements or reports.
(h) A list of any bankruptcy or receivership proceeding in any jurisdiction for the ten years before the application is submitted in which any of the following was a debtor:
   (i) The applicant.
   (ii) Each executive officer of the applicant.
   (iii) Each responsible individual of the applicant.
   (iv) Each person who has control over the applicant.
   (v) Each person over which the applicant has control.
   (i) The name and United States Postal Service address of each bank in which the applicant plans to deposit funds obtained by its virtual currency business activity.
   (j) The name and United States Postal Service address of each bank in which the applicant is required to maintain security, a surety bond, a fidelity bond, or insurance.
   (k) The United States Postal Service address and electronic mail address to which communications from the department may be sent.
   (l) The name, United States Postal Service address, and electronic mail address of the registered agent of the applicant in this state.
   (m) A copy of the certificate, or a detailed summary acceptable to the department, of的缘性.italy, casualty, business-interruption, or cyber-security insurance policy maintained by the applicant for itself, an executive officer, a responsible individual, or the applicant's users.
   (n) If applicable, the date on which, and the state where, the applicant is or was incorporated or organized, and the name under which it was incorporated or organized.
   (o) The date on which the department issued the license.

**Security Required**

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<th>Dollar Amount of Virtual Currency Activity</th>
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**Security Required**

- **A.** Absent good cause, the department shall issue a license to an applicant and shall notify the applicant of the decision of the department within thirty-one days of the department's decision to issue the license.
- **B.** In addition to the security required pursuant to Subsection A of this Section, a licensee may include in its calculation of net worth virtual currency business activity with, or on behalf of, a resident and a copy of any agreement with that person.
- **C.** A licensee or registrant may include in its calculation of net worth virtual currency business activity with, or on behalf of, a resident.
- **D.** A surety bond shall cover claims for as long as the department specifies, determined to be material in accordance with generally accepted accounting principles and to the extent the applicant would be required to disclose the bond in the applicant's audited financial statements.
- **E.** A. (1) If a person has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statement of the person for the most recent fiscal year or most recent report filed pursuant to 15 U.S.C. 78.
   (2) If the applicant is required to register with the Financial Crimes Enforcement Network of the United States Department of the Treasury as a money service business, evidence of the registration.
   (3) A set of fingerprints for each executive officer and responsible individual of the applicant.
   (4) If available, for each executive officer and responsible individual of the applicant, an affidavit executed under penalty of perjury that the individual is not a party to any pending criminal proceeding in any jurisdiction against all of the following:
      (i) The applicant.
      (ii) Each executive officer of the applicant.
      (iii) Each responsible individual of the applicant.
      (iv) Each person that has control over the applicant.
      (v) Each person over which the applicant has control.
   (5) A list of any bankruptcy or receivership proceeding in any jurisdiction for the five years before the application is submitted in which any of the following was a party:
      (i) The applicant.
      (ii) Each executive officer of the applicant.
      (iii) Each responsible individual of the applicant.
      (iv) Each person who has control over the applicant.
      (v) Each person over which the applicant has control.
   (6) A list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant, or an executive officer or a responsible individual of the applicant, has been a party in the five years before the application is submitted, determined to be material in accordance with generally accepted accounting principles and to the extent the applicant would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's audited financial statements, reports to equity owners, and similar statements or reports.
   (7) The name, United States Postal Service address, and electronic mail address to which communications from the department may be sent.
   (8) The name, United States Postal Service address, and electronic mail address of the registered agent of the applicant in this state.
   (9) A copy of the certificate, or a detailed summary acceptable to the department, of the insurance policy maintained by the applicant for itself, an executive officer, a responsible individual, or the applicant's users.
   (10) If applicable, the date on which, and the state where, the applicant is or was incorporated or organized, and the name under which it was incorporated or organized.
   (11) The name and United States Postal Service address of each bank in which the applicant plans to deposit funds obtained by its virtual currency business activity.
   (12) The name and United States Postal Service address of each bank in which the applicant is required to maintain security, a surety bond, a fidelity bond, or insurance.
   (13) The United States Postal Service address and electronic mail address of the registered agent of the applicant in this state.
   (14) A copy of the certificate, or a detailed summary acceptable to the department, of the insurance policy maintained by the applicant for itself, an executive officer, a responsible individual, or the applicant's users.
   (15) If a person has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statement of the person for the most recent fiscal year or most recent report filed pursuant to 15 U.S.C. 78.
   (16) In addition to the security required pursuant to Subsection A of this Section, a licensee or registrant may include in its calculation of net worth virtual currency business activity with, or on behalf of, a resident.
B. An applicant may appeal a denial of its application pursuant to R.S. 6:1385. In accordance with the Administrative Procedure Act, not later than thirty-five thousand dollars annually may engage in virtual currency business activity with, or on behalf of, a resident under a registration without first obtaining a license pursuant to the provisions of this Chapter if the person does all of the following:

(1) Provides the department a notice in the form and medium prescribed by the department of its intention to engage in virtual currency business activity with, or on behalf of, a resident.
(2) Provides the information for an investigation pursuant to R.S. 6:1385.
(3) Pays the anticipated virtual currency business activity for its next fiscal quarter.
(4) Pays the department a registration fee in an amount determined by the department, not to exceed the reasonable costs of regulation.

$1388. Exceptions to licensure requirement; conditions

A. A person whose volume of virtual currency business activity in United States dollar equivalent of virtual currency and the registrant has not filed an application for a license pursuant to the provisions of this Chapter.
B. The person’s gross revenue was less than an amount, to be determined by the department, in the previous fiscal year, measured as of the anniversary date of issuance of its license pursuant to the provisions of this Chapter.
C. For good cause, the department may suspend or revoke a registration without a prior hearing or opportunity to be heard.

$1390. Transferability

A. A person whose volume of virtual currency business activity in United States dollar equivalent of virtual currency and the registrant has not filed an application for a license pursuant to the provisions of this Chapter.
B. The person’s gross revenue was less than an amount, to be determined by the department, in the previous fiscal year, measured as of the anniversary date of issuance of its license pursuant to the provisions of this Chapter.
C. For good cause, the department may suspend or revoke a registration without a prior hearing or opportunity to be heard.
of this Chapter.

(2) Order a person to cease and desist from doing virtual currency business activity with, or on behalf of, a resident.

(3) Request the court to appoint a receiver for the assets of a person doing virtual currency business activity with, or on behalf of, a resident.

(4) Request the court to issue temporary, preliminary, or permanent injunctive relief against a person doing virtual currency business activity with, or on behalf of, a resident.

(5) Assess penalties.

(6) Recover on the security provided pursuant to R.S. 6:1386 and initiate a plan to distribute the proceeds for the benefit of a resident injured by a violation of any provision of this Chapter, or law of this state other than this Chapter, which applies to virtual currency business activity with, or on behalf of, a resident.

(7) Impose necessary or appropriate conditions on the conduct of virtual currency business activity with, or on behalf of, a resident.

§1303. Violations

The department may take an enforcement measure against a licensee, registrant, or person that is neither a licensee nor registrant but is engaging in virtual currency business activity with, or on behalf of, a resident in any of the following:

(a) An unsafe or unsound act or practice.
(b) An unfair or deceptive act or practice.
(c) Fraud or intentional misrepresentation.
(d) Another dishonest act.
(e) Misappropriation of legal tender, virtual currency, or other value held by a fiduciary.
(f) An agency of the United States or another state takes an action against the licensee, registrant, or person, which would constitute an enforcement measure if the department had taken the action.

(5) The licensee, registrant, or person is convicted of a crime related to its virtual currency business activity with, or on behalf of, a resident or involving fraudulent activity that would have been determined by the department, makes the licensee, registrant, or person unsuitable to engage in virtual currency business activity.

(6) Any of the following occurs:

(a) The license, registrant, or person becomes insolvent.
(b) The license, registrant, or person makes a general assignment for the benefit of its creditors.
(c) The license, registrant, or person becomes the debtor, alleged debtor, respondent, or person in a similar capacity in a case or other proceeding under any bankruptcy, reorganization, arrangement, readjustment, insolvency, receivership, dissolution, liquidation, or similar law, and does not obtain from the court, within a reasonable time, confirmation of a plan or dismissal of the case or proceeding.
(d) The license, registrant, or person applies for or permits the appointment of a receiver, trustee, or other agent of a court for itself or for a substantial part of its assets.

(7) The license, registrant, or person makes a material misrepresentation to the department.

§1304. Implementation

The department shall adopt rules, in accordance with the Administrative Procedure Act, to implement and enforce the provisions of this Chapter and issue guidance as appropriate.

Approved by the Governor, June 13, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 342

BY REPRESENTATIVES DUSTIN MILLER AND SCHEXNAYDER AND SENATOR FOIL

To amend and reenact R.S. 4:147.1(D) and R.S. 27:438(A) and (B) and to enact R.S. 4:147.1(E), relative to horse racing; to provide relative to monies earned for purse supplements from video draw poker device revenues; to provide relative to the distribution of video draw poker device revenues at licensed eligible facilities, or as authorized by R.S. 4:147.1, a maximum of one million dollars per state fiscal year, of which twenty-five percent for each state fiscal year shall be distributed to the Horsemen’s Benevolent and Protective Association, 1993 Inc., to be used to satisfy the ‘Settlement Amount’ of $1,000,000, as defined in and pursuant to the Class Action Settlement Agreement approved by the court in the suit of Soileau v. Churchill Downs La. Horseracing Co., et al, Parish of Orleans, Civil District Court, Division G, No. 2014-3873.

Where monies earned for such purse supplements shall be used to supplement purses for thoroughbred horse races at that licensed eligible facility, or as authorized by R.S. 4:147.1, per state fiscal year.

For licensed eligible racing facilities required by law to run more than twenty quarter horse racing days:

(a) Twelve and one-half percent of the monies earned for such purse supplements shall be allocated to supplement purses for quarter horse races at that licensed eligible facility, or as authorized by R.S. 4:147.1 per state fiscal year.

(b) Seventy percent of the monies earned for such purse supplements shall be used to supplement purses for thoroughbred races at that licensed eligible facility, or as authorized by R.S. 4:147.1.

The Advocate

PAGE 21
facilities, or as authorized by R.S. 4:147.1.

(4) Four percent of all monies earned or authorized in accordance with the provisions of this Subsection for purses and purse supplements for thoroughbred races shall be paid to the authorized representative of the horsemen for the use and benefit of such persons and other horsemen as medical and hospital benefits. However, provisions of this Paragraph shall not apply if provisions of R.S. 4:853 as currently in effect require such a deduction from monies earned for purse supplements.

Section 2. The commissioner of administration, notwithstanding any other provision of law, shall be the net of sums payable to the Horsemen's Benevolent and Protective Association, 1993 Inc. From purses and purse supplements in accordance with this law, and shall be placed in the appropriate breed account, an interest-bearing account, until distributed in accordance with this Section.

Section 3. The commissioner of administration shall be hereby authorized to transfer certain state property; to authorize and provide for the transfer of the following state property: to authorize and provide for the convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Red River Commercial Corporation by the licensee until disbursed pursuant to this Section. A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to preserve and account for each purses and purse supplements from video draw poker devices, and interest in any such agreements entered into and documents executed by and between the commissioner of administration and the Red River Commercial Corporation, in exchange of consideration proportionate to the appraised value of the property.

Section 4. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Red River Commercial Corporation by the licensee until disbursed pursuant to this Section. A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to account for each purses and purse supplements from video draw poker devices, and interest in any such agreements entered into and documents executed by and between the commissioner of administration and the Red River Commercial Corporation, in exchange of consideration proportionate to the appraised value of the property.

Section 5. This Act shall become effective upon 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 date following such approval.
or products; to authorize additional hemp research and development; to provide for civil and criminal penalties; to authorize the Department of Agriculture and Forestry to issue stop orders; to authorize the commissioner of alcohol and tobacco control to issue civil fines for certain violations; to authorize the sale of hemp rolling papers; to provide for labeling of CBD products; to provide for the application of the State Food, Drug, and Cosmetic Law; to provide with respect to remote retailers of CBD products; to provide with respect to law enforcement to the authorities of the office of alcohol and tobacco control relative to the sale of CBD products; to provide with respect to issuance of special event permits; to provide for applicability; to provide with respect to access to criminal history record and identification files; to create the Industrial Hemp Advisory Committee; to provide for the powers and duties of the committee; to provide for the membership of the committee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

§1462. Definitions

(1) "Applicant" means a natural person or any individual who applies on behalf of a partnership, corporation, cooperative association, limited liability company, joint stock association, sole proprietorship, joint venture, business association, professional corporation, or any other legal entity or organization through which business is conducted, or other business entity applying for a grower, processor, contract carrier, or industrial hemp seed producer license. For purposes of a business entity, "applicant" shall mean the person designated by the business as responsible for daily business operations.

(2) The applicant shall submit fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information. The costs of obtaining the fingerprint record are to be paid by the applicant.

(3) Upon request by the department and upon submission of an applicant's fingerprints, the department shall issue a written release of the order or be subject to the penalties provided by the stop order on the date of sample collection by the department, unless specifically authorized in writing by the department.

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

(5) A stop order issued by the department shall prohibit further sale, exchange, distribution, or transport of hemp in any of the following circumstances:

(a) A felony within the ten years immediately preceding the date of application.

(b) A drug-related misdemeanor within the two years immediately preceding the date of application.

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

§1467. Fees; disposition of funds

A. The commissioner may establish annual application, license, and testing fees to be paid to the department. The amount of the fees shall be based on the cost of the regulatory functions performed and services provided. The combined total of the annual application fee and license fee shall not exceed five hundred dollars, and the testing fee shall not exceed two hundred fifty dollars.

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

§1469. Industrial hemp research

A.(1) The Louisiana State University Agricultural Center and the Southern University Agricultural Center are authorized to cultivate, handle, and process industrial hemp and industrial hemp seeds for research and development of new varieties.

B. Each university may contract with licensed hemp seed producers for development of seed for distribution through a process as approved by the department.

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

§1471. Criminal penalties

A. It shall be unlawful for any person or entity to cultivate, handle, process, or transport industrial hemp in any of the following circumstances:

(4) If the Cannabis sativa L. plant or any part of that plant would otherwise be industrial hemp as defined by this Part except that it has a delta-9 tetrahydrocannabinol (THC) THC concentration that exceeds 0.2 percent the federally defined THC level for hemp.

B. If more than 0.2 percent the federally defined THC level for hemp, the department may detain, seize, destroy, or embargo the industrial hemp crop or industrial hemp product.

§1472. Stop order

A. A stop order issued by the department shall prohibit further sale, exchange, distribution, or transport of hemp in any of the following circumstances:

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

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (* As it appears in the enrolled bill)
§1481. Definitions
As used in this Part:

(1) “Federally defined THC level for hemp” means the greater of the following:
(a) A delta-9-THC concentration of not more than three-tenths of a percent (0.3%) on a dry weight basis.
(b) The THC concentration for hemp defined in 7 U.S.C. 1639o.

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

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

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

(5) “Retail sale” or “sale at retail” means the sale or any transaction in lieu of a sale to the public for use or consumption but does not include the sale or any transaction in lieu of a sale of products for resale.

(6) “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.

§1482. CBD products; prohibitions
A. No person shall process:
(1) Any part of hemp for inhalation, except for hemp rolling papers.
(2) Any alcoholic beverage containing CBD.
(3) Any food product or beverage containing CBD unless the United States Food and Drug Administration approves CBD as a food additive.

B. No person shall sell a product that is manufactured, distributed, imported, or sold for use in Louisiana shall:
(1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-394, or under an authorized state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79.
(2) Be registered with the department in accordance with the State Food, Drug, and Cosmetic Law, R.S. 40:601 et seq.
(3) Not be marketed as a dietary supplement.

C. It shall be unlawful for any person to knowingly, willfully, or intentionally violate the provisions of this Section. Whoever knowingly, willfully, or intentionally violates the provisions of this Section shall be penalized as follows:
(1) On a first conviction, the offender shall be fined not more than three hundred dollars.
(2) On a second conviction, the offender shall be fined not more than one thousand dollars.
(3) On a third or subsequent conviction, the offender shall be fined not more than five thousand dollars.

D. All labels shall meet the following criteria in order to receive approval from the department:
(1) Have the following words printed clearly on the label: “This product has been manufactured, distributed, imported, or sold for use in Louisiana.”
(2) Contain no medical claims.
(3) Have a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis as provided in Subsection C of this Section.

E. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an approved state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79.

F. The provisions of this Part shall not apply to any CBD product derived from any source other than hemp.

G. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

H. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.

J. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

§1483. Permit to sell, office of alcohol and tobacco control Product approval; Louisiana Department of Health
A. (1) Each person who sells or is about to engage in the business of selling at retail any industrial hemp-derived CBD product shall first apply for and receive a permit from the department to sell such products.
(2) The permit shall not authorize the licensee to sell or offer for sale any CBD product derived from any source that is not hemp.

B. (1) Each person who sells or is about to engage in the business of selling at retail any industrial hemp-derived CBD product shall first apply for and receive a permit from the department to sell such products.
(2) The permit shall not authorize the licensee to sell or offer for sale any CBD product derived from any source that is not hemp.

C. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

D. The department shall promulgate rules and regulations in accordance with the administrative procedures act to implement the provisions of this section.

E. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an approved state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79.

F. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

G. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

H. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.

I. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

J. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

K. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

L. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.

M. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

N. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

O. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.

P. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Q. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

R. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.

S. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

T. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.
obtain a permit for each place of business from the office of alcohol and tobacco control.

The committee, by enacting this Section, each individually registered domain name owner or lease by or on behalf of a remote retailer shall be considered a place of business. No person or entity shall be required to have a physical place of business in the state of Louisiana in order to sell industrial hemp-derived CBD products at retail.

(b) The office of alcohol and tobacco control has no authority to permit or otherwise regulate any wholesale seller, manufacturer, distributor, or packer of industrial hemp-derived CBD products.

(2) Prior to selling industrial hemp-derived CBD products at a special event, the retailer shall contact the advisory committee to receive an annual special event permit from the commissioner. For purposes of this Section, a special event shall be defined as any event held at any location, other than a retail place of business, where industrial hemp-derived CBD products are sold.

The commissioner shall notify the committee in writing of any special event the permittee will be attending prior to the event. Failure to notify the commissioner shall be grounds for revocation of the permit.

(3) No permit issued pursuant to this Section shall authorize the permittee to sell or offer for sale any CBD product derived from any other source than the committee.

(d) No industrial hemp-derived CBD product shall be sold to any person under the age of eighteen years.

B. The commissioner may establish and collect an annual retail permit fee and an annual special event permit fee. The amount of each permit fee shall be based on the cost of the regulatory functions performed and shall not exceed one hundred seventy-five dollars per year.

C. The commissioner may, in addition to revocation or suspension of a permit issued under the authority of this Section, impose the following fines for failing to file returns or pay taxes as required by R.S. 47:1693.

F. Any fine imposed pursuant to this Part or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation on the imposition of any other penalty provided by law.

F. The commissioner shall have the authority to revoke or suspend a permit pursuant to this Section, the secretary of the Department of Revenue shall order the commissioner to immediately suspend the retailer’s permit if the secretary determines that an industrial hemp-derived CBD retailer has failed to timely file returns or pay taxes as required by R.S. 47:1565 or 1567. The retailer shall have the right to appeal such action to the commissioner until the returns have been filed and the taxes are paid. No permit shall be suspended for taxes which have been properly protested or appealed by the retailer pursuant to R.S. 47:1565 or 1567.

F. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall not include any fees or penalties for any permit not provided for in this Section, or any requirements for proof of Louisiana residency, criminal background checks, diagrams of retail premises, or proof of lease or ownership of any retail establishment.

§1485. Industrial Hemp Advisory Committee

A. The Industrial Hemp Advisory Committee is hereby created and established and for the purposes of this Section shall be referred to as the committee.

B. The committee is hereby authorized to receive and review information and requests and make recommendations for future legislation relative to the regulation of industrial hemp, industrial hemp products, and industrial hemp-derived CBD products.

C. The committee shall be composed of the following members:

(1) The speaker of the House of Representatives or his designee.

(2) The president of the Senate or his designee.

(3) The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.

(4) The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.

(5) The chairman of the House Committee on Health and Welfare or his designee.

(6) The chairman of the Senate Committee on Health and Welfare or his designee.

(7) The chairman of the House Committee on Judiciary or his designee.

(8) The chairman of the Senate Committee on Judiciary or his designee.

(9) The chairman of the House Committee on Commerce or his designee.

(10) The chairman of the Senate Committee on Commerce, Consumer Protection and Internal Affairs or his designee.

(11) The chairman of the House Committee on Administration of Criminal Justice or his designee.

(12) The chairman of the Senate Committee on Judiciary or his designee.

D. The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or their designees shall serve as co-chairmen of the committee and shall fix a time and place for its regular meeting.

E. The committee shall receive staff support from the committee staff of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development.

F. The committee may call upon the staff of any department, agency, or official of the state, particularly the Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Department of Health for data and assistance, and all such departments, agencies, and officials shall cooperate with the advisory committee.

G. The committee shall have the power to hold hearings, require the production of books and records, and do all other things necessary to discharge its duties.

H. The committee shall regularly conduct meetings to fulfill its functions and duties and, no later than January thirty-first of every year, shall report all of its activities and recommendations to the presiding officer of each house, the governor, the standing committees of each house represented on the committee, the commissioner of the Department of Agriculture and Forestry, the commissioner of the office of alcohol and tobacco control, and the secretary of the Department of Health.

J. The Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Department of Health are hereby directed to make reports and to provide assistance as requested by the committee.

Approved by the Governor, June 13, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 345

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HOUSE BILL NO. 849

BY REPRESENTATIVE CHARLES OWEN

To amend and reenact R.S. 33:4574.1(F)(5), relative to the Beauharnois Tourist Commission; to provide relative to the collection of hotel occupancy taxes levied by the commission; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4574.1(F)(5) is hereby amended and reenacted to read as follows:

§4574.1.1. Occupancy taxes levied by the commissions

F. * * * *

(5)(a) The governing authority of the commission may enter into a cooperative endeavor contract agreement with the governing authority or authorities of the parish or parishes within its territories, or with any public entity authorized to collect sales or use tax, for the collection of the tax which it levies under such terms and conditions it may deem appropriate, including a reasonable collection fee, and may adopt such rules and regulations pursuant thereto regarding the enforcement and collection of the occupancy tax authorized by this Chapter.

(b) The commission provided for in R.S. 33:4574(B)(38) shall have the right to contract with the state for such cooperative endeavor agreements.

(c) The Beauharrois Tourist Commission may contract with the parish sheriff for collection of occupancy taxes authorized by this Chapter.

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

Approved by the Governor, June 13, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 346

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HOUSE BILL NO. 870

(Substitute for House Bill No. 786 by Representative Garofalo)

BY REPRESENTATIVE GAROFALO

To amend and reenact R.S. 17:5024(A)(2)(c) and the head of Part IV of Chapter 50 of Title 17 of the Louisiana Revised Statutes of 1950 and to enact R.S. 17:5103, relative to the Taylor Opportunity Program for Students; to provide relative to eligibility for awards; to waive or modify certain titles; and to provide other related matters.

AN ACT

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eligibility provisions in response to circumstances related to the public health emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section I. R.S. 17:5024(A)(2)(c) and the heading of Part IV of Chapter 50 of Title 17 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted and R.S. 17:5103 is hereby enacted to read as follows:

§ 5024. Academic requirements

A. * * *

(2) * * *

(c)(i) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for an Opportunity Award shall be 2.50 on a 4.00 scale.

(ii) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for a Performance Award shall be 3.00 on a 4.00 scale.

(iii) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for an Honors Award shall be 3.00 on a 4.00 scale.

PART IV. STUDENTS DISPLACED AFFECTED BY CERTAIN NATURAL DISASTERS AND EMERGENCIES

§ 5103. Eligibility under declared health emergency

A. The legislature finds that due to the effects of the public health emergency stemming from the novel coronavirus, COVID-19, it is in the best interest for the education of the people of the state that initial and continuing eligibility requirements established in Part I of this Chapter for awards pursuant to the Taylor Opportunity Program for Students be modified as provided for in this Section for students impacted as a result of the public health emergency.

B. (1) In response to the public health emergency, provisions of this Chapter that provide for initial eligibility are modified or waived as more fully appears:

(a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking the ACT or SAT for consideration for an award for the 2020-2021 academic year is September 30, 2020. The administering agency shall not reduce the time period of eligibility for the award, as set forth in R.S. 17:5062, of an applicant who qualifies for an award pursuant to authority granted by this Subparagraph.

(b) Notwithstanding the provisions of R.S. 17:5062, a student on a Jump Start graduation track shall not be required to complete any Jump Start course, experience, or credential that was waived by the student’s high school for high school graduation purposes.

(c) The administering agency may waive the home study requirements of R.S. 17:5029 for a student if it determines that the student’s failure to meet those requirements was, more likely than not, due solely to consequences of measures taken to limit the spread of COVID-19.

(2) The provisions of this Subsection apply only to students who meet one of the following criteria:

(a) The student was enrolled in a Louisiana public high school.

(b) The student was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes.

(c) The student resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education.

(d) The student resided out of state during the 2019-2020 academic year but is able to meet the residency requirements to qualify for an award provided for in R.S. 17:5029.

(3) In response to the public health emergency, provisions of this Chapter that relate to continuing eligibility are modified or waived with respect to the 2019-2020 academic year as more fully specified in this Subsection:

(a) The provisions of R.S. 17:5041 and 5042 requiring that a student meet steady academic progress as defined by the administering agency are waived.

(b) The provisions of R.S. 17:5041 and 5042 requiring that a student achieve a certain cumulative grade point average to continue eligibility for his award are waived.

(c) For a student whose program award was suspended due to a low grade point average or failure to make steady academic progress, the time periods provided in Part I of this Chapter for the student to meet such requirement before losing program eligibility shall be extended by one semester for each semester the student is unable to enroll or complete due to measures taken to limit the spread of COVID-19.

(d) The administering agency may, by rule, waive any provision of Part I of this Chapter that imposes a program requirement or condition that a student cannot comply with or meet if the administering agency determines that the failure to comply with the requirement or meet the condition is more likely than not, due solely to a consequence of measures taken to limit the spread of COVID-19.

(2) The provisions of this Subsection apply only to students who meet one of the following criteria:

(a) The student was enrolled full time at an out-of-state college or university during the spring semester of 2020.

(b) The student was enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

(c) The student was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

D. The administering agency may adopt any rule, policy, or guideline necessary to implement the provisions of this Section and shall disseminate information regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

Approved by the Governor, June 13, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 347

SENATE BILL NO. 166
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 39:21.3(E)(1), to enact R.S. 39:21.3(H), and to repeal R.S. 39:21.3(E)(4) and (5), relative to the forecast of the Medicaid program; to provide for the duties of the Health and Social Services Estimating Conference; to provide for the Medicaid Estimating Conference; to provide relative to the duties and meetings of the Medicaid Estimating Conference; to provide for the termination of the Medicaid Estimating Conference; to provide relative to the principals and participants of the Medicaid Estimating Conference; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:21.3(E)(1) is hereby amended and reenacted and R.S. 39:21.3(H) is hereby enacted to read as follows:

§ 213. Consensus estimating conferences; duties and principals

E. Health and Social Services Estimating Conference.

D. The Health and Social Services Estimating Conference shall develop such official information relating to the health and social service system of the state, including forecasts of social and health service caseloads, excluding the Medicaid program, as the conference determines is needed for the state planning and budgeting system.

H. Medicaid Estimating Conference.

(1) Duties. (a) The Medicaid Estimating Conference shall develop the official forecast of the Medicaid program for the purposes of budget development and enactment each fiscal year and development of the five-year baseline budget projection relative to the Medicaid Program. All conference decisions to adopt a forecast shall be by a favorable vote of two-thirds of the principals.

(b) When developing the forecast, the conference shall consider the following factors:

(i) The number of Medicaid enrollees, the demographics of the enrollees as it relates to programmatic costs, and the eligibility criteria under which these individuals are enrolling.

(ii) The rate of utilization of services for the fee-for-service program and the managed care program.

(iii) The volume of member-months in the managed care program.

(iv) The growth in the costs of medical goods and services for the fee-for-service program and for the managed care program.

(v) The pharmaceutical rebate program.

(vi) The principles of health and social services budget methodology.

(vii) The components contemplated by the actuaries in the development of the per-member-per-month premiums paid to the Medicaid managed care organizations.

The supplemental payment programs, including but not limited to full-Medicare pricing (FMP) payments, upper payment limit (UPL) payments, disproportionate share (DISH) payments, and payments pursuant to the Managed Care Incentive Program (MCIP).

The supplemental payment programs pursuant to the LSU Public-Private Partnership agreements between the state and any partner hospital in effect at the time that the forecast is developed.

(x) Any changes to the program that are required to be implemented under federal or state rule or law during the fiscal years included in the forecast and quantifiable at the time the forecast is developed.

(xi) Any other aspect of the Medicaid program the conference considers pertinent to the development of its forecast.

(2) Principals. The principals of the Medicaid Estimating Conference are as follows:

(a) The president of the Senate, or his designee who may be a member of the Joint Legislative Committee on the Budget, including an interim member.

(b) The speaker of the House of Representatives, or his designee who may be a member of the Joint Legislative Committee on the Budget, including an interim member.

(c) The chairman of the Senate Committee on Finance, or his designee from the membership of the Committee on Finance.

(d) The chairman of the House Committee on Appropriations, or his designee...
from the membership of the Committee on Appropriations.
(c) The chairman of the Senate Committee on Health and Welfare, or his
designee from the membership of the Committee on Health and Welfare.
(d) The commissioner of administration, or his designee.
(b) The secretary of the Louisiana Department of Health, or his designee.
(1) A full-time member specializing in health care economics from a public or
private university in the state, selected by the other principal members, from a
list of as many as five, but not less than three names, submitted to them by the
Board of Regents.
(2) The participants to the Medicaid Estimating Conference that may
provide information for the conference’s consideration in developing its
forecasts are as follows:
(a) A member of the professional staff of the Louisiana Department of Health
specializing in health care economics and possessing experience forecasting
health care expenditures to be designated by the secretary of the Louisiana
Department of Health.
(b) A member of the professional staff of the legislative fiscal office specializing
in health care economics and possessing experience forecasting health care
expenditures to be designated by the legislative fiscal officer.
(c) Members of the professional staff of the Senate, House of Representatives,
legislative fiscal office, or division of administration with fiscal expertise on the
Medicaid program.
(d) Members of the professional staff of the Louisiana Department of Health
with expertise on the administering, operating, or financing of the Medicaid
program.
(e) Any other person invited to participate in the conference by a principal.
(4) Conference Meetings.
(a) Principals and presiding over meetings. The chairmanship of the conference
shall rotate biennially among the president of the Senate, or his designee, and
the speaker of the House of Representatives, or his designee, beginning with
the president of the Senate, or his designee.
(b) The conference shall meet at least three times per fiscal year as to ensure that the forecast is utilized by the division of administration in the development of the budget, the legislature in the enactment of the budget, and the division of administration and the Joint Legislative Committee on the Budget in the determination of expenditures to include in the development of the five-year baseline budget projection relative to the Medicaid Program.
(c) Executive Session. The conference may, upon approval by a majority of the
principals in attendance, go into executive session to discuss records or matters
pertinent to confidential status by existing state or federal laws.
(5) Conference Meetings. The president of the Senate shall designate a member of the professional staff of the Senate with fiscal expertise on the Medicaid program and the speaker of the House of Representatives shall designate a member of the professional staff of the House of Representatives with fiscal expertise on the Medicaid program to staff the conference.
(6) Reports of the Conference. The conference shall submit each adopted
forecast to the Joint Legislative Committee on the Budget for its review. The
chairman of the Joint Legislative Committee on the Budget shall place the
presentation of the Medicaid forecast on the agenda for discussion at the next
month’s regular meeting following the submission of the conference.

Section 2. R.S. 39:21.3(E)(4) and (5) are hereby repealed in their entirety.
Section 3. This Act shall become effective upon signature by the governor or,
if not signed by the governor, upon expiration of the time for bills to be
vetoed in accordance with Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 348

SENATE BILL NO. 334
BY SENATOR ALLAIN

AN ACT
To amend and reenact R.S. 47:1451, 1602(A)(4), 1603(A)(1), 1604, 1604.1, and
1624(F) and to enact S.B. 334, as follows:

§1451. Waiver of penalties
A. Any failure to pay taxes provided by law, whenever authorized by R.S. 47:1403
or any other provision of law, the state collector determines to be a failure to pay,
may be waived or remitted by the state collector when in his discretion, the failure
results from error or mistake in the collection of the tax, or for any other reason,
including the denial of the waiver of any penalty or interest, provided that nothing in this Section shall constrain the board’s jurisdiction in a matter pursuant to R.S. 47:1431 concerning whether a penalty is actually due under the relevant facts and applicable law.

§1602. Penalty for failure to make timely return; penalties related to nonpayment or underpayment
A. (a) When any taxpayer files a return required to be made under the provisions of this Subtitle and pays the amount shown on the face of the return, but fails to pay the full amount of tax actually due for the period within thirty calendar days from the date of notice and demand therefor pursuant to R.S. 47:1562(1), the penalty may be one-half of one percent of the additional tax due. If the failure to pay the tax is for nonpayment or underpayment, the additional one-half of one percent shall be imposed for each additional thirty days or fraction during which the failure to pay continues.
(b) The penalty imposed by this Paragraph for each thirty-day period shall be calculated only on the additional amount due from the taxpayer, and shall not be imposed for any thirty-day period for which the penalty provided by Paragraph (1), (2), or (3) of this Subsection is due.
(c) The penalties provided for by this Subsection shall not exceed twenty-five percent of the tax in the aggregate.

§1603. Waiver of penalty for delinquent filing or delinquent payment
A. (1) When the failure to make any return at the time such return becomes due
deliberately or act in bad faith, the state collector may assess a penalty equal to twenty percent of the tax in the aggregate attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary of the Department of Revenue, the secretary may remit or waive payment of the whole or part of the specific penalty provided for such failure.

§1604. Penalty for false or fraudulent return
When the taxpayer files a return that is false or fraudulent or grossly incorrect and the circumstances indicate that the taxpayer had intent to defraud the State of Louisiana from any tax due under this Subtitle, there shall be imposed, in addition to any other penalties provided, a specific penalty of fifty per centum (50%) seventy-five percent of the tax found to be due. This specific penalty shall be an obligation to be collected by the state collector, and can be enforced either in a separate action or in the same action for the collection of the tax.

§1604.1. Waiver of penalties for nonpayment or failure to file
The secretary may assess a penalty equal to twenty percent of the tax found to be due as a result of the taxpayer’s negligence or failure.

(2)(a) A penalty equal to the amount of the penalty that would be due pursuant to Paragraph (1) of this Subsection shall be imposed on any penalty that the taxpayer understated tax liability by ten percent or more but did not demonstrate a willful intent to disregard the tax laws of this state, and can be enforced either in a separate action or in the same action for the collection of the tax.
(b) The penalty provided for pursuant to this Paragraph shall not be applicable if a taxpayer’s understatements was due to reasonable cause where the taxpayer acted in good faith.

C. Other large tax deficiency. In the case of a tax other than individual income tax, if a taxpayer understates tax liability by twenty-five percent or more, or otherwise demonstrated a willful intent to disregard the tax laws of this state, the tax deficiency and any interest due thereon, may not be remitted; the state collector may assess a penalty equal to twenty percent of the tax deficiency in addition to any penalty provided for in Subsection A of this Section.
law of this state, the secretary may assess a penalty equal to twenty percent of the deficiency of ten percent of the deficiency in addition to any penalty provided for in subsection A of this Section. However, in the case of a tax other than individual income tax, if a taxpayer understates tax liability by twenty-five percent or more, but the secretary finds that the taxpayer did not have willful intent to disregard the tax laws of this state, the secretary may assess a penalty equal to fifteen percent of the deficiency.

D. Willful disregard for Louisiana tax laws. (1) If a taxpayer has demonstrated a willful disregard of the tax laws of this state, the secretary may assess a penalty of forty percent of the tax deficiency found to be due.

(2) If the penalty under this Subsection applies, then the penalty due pursuant to R.S. 47:1602(A) for actions subject to penalty pursuant to Paragraph (4) of that Subsection except as provided for in this Act for all tax periods, and no penalty shall be due pursuant to the provisions of R.S. 47:1602(A) for actions subject to penalty pursuant to Tax Acts and similar local laws in other states or the provisions of this Section. However, the provisions of this Section shall not be applicable to penalties provided by or on behalf of the Department of Revenue pursuant to the provisions of this Title.

E. Definitions. For purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) “Adjusted gross income” means gross income as defined in Section 62 of the Internal Revenue Code.

(2) “Negligent failure” means any failure to make a reasonable attempt to comply with the tax laws of this state, or a careless or reckless disregard for the tax laws of this state.

(3) Willful disregard” means voluntarily and intentionally acting in violation of the tax laws of this state. The secretary shall use this definition of “willful disregard” when determining whether a penalty shall be imposed for the willful intent to defraud this state or willful intent to disregard of the tax laws of this state. Willful disregard shall be presumed when a taxpayer fails to timely remit tax withheld or collected from others, absent a showing of good cause.

§1608. Disposition of penalties and self-generated revenue
A. Beginning July 1, 2022, the disposition of all state taxes, interest, and penalties collected by or on behalf of the Department of Revenue pursuant to the provisions of this Title shall be governed by the following:

(1) State taxes and interest. Beginning July 1, 2022, an amount equal to one percent of all taxes and interest collected by or on behalf of the secretary of the Department of Revenue pursuant to Chapters 1, 2, 2-A, 2-B, or 5 of Subtitle II of this Title, shall be designated as self-generated revenue of the Department of Revenue.

(2) Penalties. Beginning July 1, 2022, the full amount of penalties collected by the secretary of the Department of Revenue pursuant to R.S. 47:1624(A) for any underpayment of tax obligations in R.S. 47:1601(A)(2) from ninety days after the later of the due date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid.

(c) An overpayment shall bear interest if it is credited to the taxpayer's account. No interest on refunds or credits shall be allowed if the secretary proves by clear and convincing evidence that a person has deliberately understated a tax in order to defraud the benefit of the interest allowed by this Section. The governing body of a parish or municipality may provide, by ordinance, for the carrying forward of any interest on refunds or credits due to or on behalf of the secretary of the Department of Revenue.

§1624. Interest on refunds
A. (1) Notwithstanding (a) Except as otherwise provided in this Section and notwithstanding any other provision of law to the contrary, on all refunds or credits the secretary shall compute and allow as part of the refund or credit, interest on refunds or credits due to or on behalf of the secretary, at the rate provided for in Subsection (a) of this Paragraph for the first one hundred eighty days and at the rate provided for in Subsection (a) of this Paragraph for the later of the due date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid.

(b) Except as otherwise provided in Subparagraph (2)(a) of this Subsection, and notwithstanding any other provision of law to the contrary, interest on refunds or credits due to or on behalf of the secretary, at the rate provided for in Subsection (a) of this Paragraph for the first one hundred eighty days and at the rate provided for in Subsection (a) of this Paragraph for the later of the due date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid.

(2) Notwithstanding any provision of this Section, or any other provision of law to the contrary, interest on a refund of overpayments in R.S. 47:1624(A)(1)(b) for any period of time in excess of one hundred eighty days in accordance with the provisions of Subsection A of this Section.

F. Notwithstanding any provision of this Section, or any other provision of law to the contrary, the accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the failure of the secretary to provide information or documentation required by statute or regulation.

Section 2. Beginning January 1, 2021, any collection action taken by the secretary shall be subject to the provisions concerning penalties provided for in this Act for all tax periods, and no penalty shall be due pursuant to the provisions of R.S. 47:1602(A) for actions subject to penalty pursuant to Paragraph (4) of Subsection A of this Section except as provided for in this Act.

Section 3. Notwithstanding any provision of law to the contrary, no refund shall be due to any taxpayer pursuant to the laws of the state existing prior to January 1, 2021, if the refund is based on a claim that no penalty would be due pursuant to the provisions of this Act, nor if based on the claim that penalties paid pursuant to R.S. 47:1602(A) prior to January 1, 2021, should not have been paid on the underpayment of tax actually due.

Section 4. The provisions of this Act amending R.S. 47:1451 and 1602 shall be procedural and interpretative.

Section 5. This Section and Sections 2, 3, 4, and 6 of this Act shall become effective upon the signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Section and Sections 2, 3, 4 and 6 of this Act shall become effective on the day following such approval.

Section 6. Section 1 of this Act shall become effective January 1, 2021. If vetoed by the governor and subsequently approved by the legislature, Section 1 of this Act shall become effective on January 1, 2021.

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

ACT No. 349
SENATE BILL NO. 344
BY SENATOR JOHNS
AN ACT
To enact R.S. 33:1376, relative to the regulation of battery-charged fences; to authorize parish and municipal governing authorities to enact ordinances to provide for such regulation; to provide for the requirements of any such ordinance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1376 is hereby enacted to read as follows:

§1376. Ordinances; battery-charged fences; parishes and municipalities.
A. Notwithstanding any other provision of law to the contrary, the governing authority of any parish or municipality may provide, by ordinance, for the regulation of battery-charged fences installed within its jurisdiction. Any such ordinance shall require that a battery-charged fence meet the following requirements:

(1) Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon law enforcement in response to an intrusion or burglary.

(2) Is located on property that is not zoned exclusively for residential use.

(3) Has an energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current.


(5) Is surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height.

(6) Is the higher of ten feet in height or two feet higher than the height of the nonelectric perimeter fence or wall.

(7) Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: “WARNING: ELECTRIC FENCE.”

B. Notwithstanding any other provision of law to the contrary, no parish or municipal governing authority shall enact an ordinance that:

(1) Requires a permit or fee for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the parish or municipality.

(2) Imposes installation or operational requirements for the battery-charged fence that are inconsistent with the requirements provided for in Subsection A of this Section.

(3) Prohibits the installation or use of a battery-charged fence.

C. Uses in this Section, “battery-charged fence” means a wall or existing alarm system and any energy source or components attached to such a system, including but not limited to a fence, a battery-operated energizer which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery charging device used exclusively to charge the battery. However, “battery-charged fence” does not mean an electically charged fence used for agriculture or animal containment purposes.

Approved by the Governor; June 12, 2020.
A true copy:
To amend and reenact R.S. 18:443(B)(1), 443.1(B), the introductory paragraph of 443.2, (2)(a)(i), (iii), and (7), and 444(B)(1) and to enact R.S. 18:444(G), relative to state central committees; to provide relative to composition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:443(B)(1), 443.1(B), the introductory paragraph of 443.2, (2)(a)(i), (iii), and (7), and 444(B)(1) are hereby amended and reenacted and R.S. 18:444(G) is hereby enacted to read as follows:

§443. State central committee

B. (1) All members of the state central committee of a recognized political party shall be elected every four years at the same time as the presidential preference primary election. The term of office shall not extend for a period beyond the time for which the member was elected. Notwithstanding this provision, members elected in 1991 shall serve until their successors are chosen.

G. (1) Notwithstanding the provisions of Paragraph (B)(1) of this Section, in the event an election for members of any such state central committee does not occur at the same time as the presidential preference primary election in 2020, the members of the state central committee shall be elected at the runoff of the next regularly scheduled election. The secretary of state shall select the dates for qualification of candidates, conforming as closely as practicable with the timelines established in R.S. 18:447.

(2) The provisions of this Subsection shall cease to be effective on June 1, 2021.

§443.1. State central committee; composition and apportionment

B. The membership of the state central committee of a recognized political party with which thirty percent or less of the registered voters in the state are affiliated shall be composed and apportioned as provided in R.S. 18:443.2

Notwithstanding the provisions of Subsection A of this Section, the membership of the state central committee of a recognized political party may alternatively elect to be composed and apportioned as provided in R.S. 18:443.2.

§443.2. Alternate method

B. The membership of the state central committee of a recognized political party with which thirty percent or less of the registered voters in the state are affiliated shall be elected on the day of the close of registration for the gubernatorial general election shall be established, composed, apportioned, and elected may choose to be established, composed, apportioned, and elected as follows:

(2)(a) (ii) Except as otherwise provided in this Subparagraph, all members of any such state central committee shall be elected at the same time as the presidential preference primary election. The term of office shall not extend for a period beyond the time for which the member was elected.

Notwithstanding this provision, members elected in 1992 shall serve until noon on the second Saturday following the statewide presidential general election in 1996. Members elected in 1996 shall serve from noon on the second Saturday following the statewide presidential general election in 1996 until noon on the second Saturday following the presidential preference primary in 2000. Thereafter members shall serve a four-year term. The term of office of the members shall be until the presidential preference primary election.

(3) The members who serve pursuant to Item (2)(a)(i) of this Section and the newly elected members of any such state central committee shall meet at the state capitol, shall take office, and shall organize the committee at noon on the second Saturday following the election of the newly elected members. A majority of the total of the members who serve pursuant to Item (2)(a)(i) of this Section and the newly elected members of the committee shall constitute a quorum. A member shall exercise the proxy votes of more than three other members of the committee at any meeting. A member of such state central committee may be present in person or by proxy. Proxies may be exercised in compliance with rules and regulations adopted by the state central committee.

(7) A state central committee shall adopt a plan to provide for the number of members of such committee and the apportionment thereof, and such plan shall be effective if the committee files a copy of the plan with the secretary of state not later than the ninetieth day prior to the opening of qualifying for the election of the members of such state central committee.

Any plan previously filed by the state central committee shall remain in effect until rescinded or replaced by the state central committee. If a state central committee does not adopt and file a plan as provided herein, the membership of such state central committee shall be composed of one hundred forty-four members with one member elected from each of the districts from which members of the House of Representatives are elected. The term of office of the members shall be until their successors are qualified and elected.

$444. Parish executive committees

B. Election and term. (1) Members of a parish executive committee of a recognized political party shall be elected every four years at the same time as the presidential preference primary election. The term of office shall not extend beyond the time for which the member was elected. Notwithstanding the provisions of Subsection A of this Section, the membership of any such state central committee shall be composed and elected in 1991 shall serve until their successors are chosen. The term of office of the members shall be until their successors are qualified and elected.

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 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 12, 2020.

R. Kyle Ardoin Secretary of State

ACT No. 350

SENATE BILL NO. 373

BY SENATORS CLOUD, ABRAHAM, BERNARD, CATHEY, CORTEZ, FESI, FOIL, HEWITT, JACKSON, JOHNS, McMATH, MIZELL, MORRIS, REESE, SMITH, WHITE, AND WOMACK

AN ACT

To amend and reenact R.S. 22:1964(20) through (22) and to enact R.S. 22:1964(29), relative to unfair or deceptive methods, acts, and practices in the business of insurance for personal lines and commercial lines; to provide with respect to the failure to provide claims history within ten business days of receipt of the insured's written request; to include mail, fax, and email as methods for submitting the request; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1964(20) through (22) are hereby amended and reenacted and R.S. 22:1964(29) is hereby enacted to read as follows:

§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:

(20(a) Failure to provide claims history - personal lines.

(20(i) Loss information - property and casualty. Failure of a company issuing property and casualty insurance to provide the following loss information for any occurrence not included in Item (i) Subitem (aa) of this Paragraph, as required by law:

(20(aa) On all claims, date, and description of occurrence, and total amount of payments.

For any occurrence not included in Item (i) Subitem (aa) of this Paragraph, the date and description of occurrence.

(20(ii) Should the first named insured be requested by a prospective insurer to provide detailed loss information in addition to that required under Subparagraph (a) Item (i) of this Paragraph, the first named insured may mail or deliver a written request to the insurer for the additional information. No prospect insurer shall request more detailed loss information than reasonably required to underwrite the line or class of insurance. The insurer shall provide information under this Subparagraph to the first named insured as soon as practicable and in no event not later than twenty days of receipt of the written request. Notwithstanding any other provision of this Section, no insurer shall be required to provide loss reserve information, and no prospective insurer may refuse to insure an applicant solely because the prospective insurer is unable to obtain loss reserve information.

(20(iii) The commissioner may promulgate regulations to exclude the providing of the loss information as outlined in Subparagraph (a) Item (i) of this Paragraph, for any line or class of insurance where it can be shown that the information is not needed for that line or class of insurance or where the provision of loss information otherwise is required by law.

(b) Information provided under Subparagraph (a) Item (ii) of this Paragraph shall not be subject to discovery by any party other than the insured, the insurer, and the prospective insurer.

(b) The provisions of this Paragraph shall apply exclusively to personal lines.

(20(a) Failure to provide claims history - commercial lines.

(i) Loss information - property and casualty. Failure of a company issuing property and casualty insurance to provide the following loss information, by mail and, if the request was not submitted by mail, by the same means the
To amend and reenact R.S. 15:539.1 and 539.3(A)(introductory paragraph), and to add Section 83.1(A)(4)(b) to R.S. 83.1, to provide for a penalty for violation of a provision of a sales representative agreement, a sales agent agreement, a nonsolicitation agreement, or a noncompetition agreement who represents more than one insurance company, to provide for the forfeiture of personal property following conviction of certain sex offenses; to provide a ranked order for payment of proceeds received from the sale or auction of personal property forfeited following conviction of certain sex offenses; to provide for the procedure for the sale or auction of personal property forfeited following conviction of certain sex offenses; to provide a ranked order for payment of proceeds received from the sale or auction of personal property forfeited following conviction of certain sex offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:539.1 and 539.3(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

(22) The issuance of any line of health insurance in the state by an insurer, self-insurer, or other entity that provides health and accident insurance policies or plans within five years after the entity has ceased writing insurance or offering plans, other than claims incurred prior to that date, shall be required to provide loss reserve information to the first named insured as soon as practicable, but in no event later than ten business days after receipt of the written request. Failure to comply with the provisions of this Paragraph shall not be subject to the penalties provided for in R.S. 22:1969.

(23) The discrimination against an insured, enrollee, or beneficiary in the issuance, payment of benefits, withholding of coverage, cancellation, or nonrenewal of a policy, contract, plan, or program based upon the results of a genetic test or receipt of genetic information. Actions of an insurer or the failure to comply with the provisions of this paragraph in connection with the sale, issuance, or administration of a life, disability income, or long-term care insurance policy are exempt from the provisions of this Paragraph.

(24) The discrimination against an insured, enrollee, or beneficiary in the issuance, payment of benefits, withholding of coverage, cancellation, or nonrenewal of a policy, contract, plan, or program based upon the results of a genetic test or receipt of genetic information. Actions of an insurer or the failure to comply with the provisions of this paragraph in connection with the sale, issuance, or administration of a life, disability income, or long-term care insurance policy are exempt from the provisions of this Paragraph.

(25) Failure by an organization that negotiates with a pharmacy or group of independent pharmacies, to provide to a pharmacy a contract, plan, or program based upon the results of a genetic test or receipt of genetic information. Actions of an insurer or the failure to comply with the provisions of this paragraph in connection with the sale, issuance, or administration of a life, disability income, or long-term care insurance policy are exempt from the provisions of this Paragraph.

(26) Requiring a producer or offering any incentive for a producer who represents more than one company to limit information provided to consumers on limited benefit or supplemental benefit plans, including attempting to enforce a provision of a sales representative agreement, a sales agent agreement, a nonsolicitation agreement, or a noncompetition agreement against such a producer which would result in limiting the information that the producer provides to consumers on limited benefit or supplemental benefit plans. Failure to comply with the provisions of this Paragraph shall subject the producer to a penalty of not less than two thousand five hundred dollars but not more than ten thousand dollars, payable to the insurer and the first named insured, and shall not be subject to the penalties provided for in R.S. 22:1969.

(27) Failure by an organization that negotiates with a pharmacy or group of independent pharmacies, to provide to a pharmacy a contract, agreement, or other documentation relative to the pharmacy's network participation with a third-party payor as required in R.S. 22:1857.1.

(28) Deliberate use of misrepresentations or false statements for the purpose of convincing a customer to replace a limited benefit insurance policy. The commissioner shall promulgate regulations which address the replacement of limited benefit insurance policies as defined in R.S. 22:472(e).

(29) Failure by an admitted insurer upon renewal or issuance of any policy or contract of insurance which includes a provision that the policy or contract contains defense costs within the limit of liability to provide notice of such provision through a separate notice or inclusion on the declaration page of the policy or contract. Failure to comply with the provisions of this Paragraph shall not subject the insurer to the penalties provided in R.S. 22:1969.
could not have reasonably known of the conduct.

(b) That he did not consent to the use of property in the commission of the criminal conduct.

(c) That he owns an interest in the property otherwise subject to forfeiture.

(3) The property of an internet service provider shall be exempt from forfeiture.

(4) Intentionally falsifying information required by the provisions of Paragraph (2) of this Subsection shall subject the affiant to prosecution under the provisions of R.S. 14:125.

C. In addition, the personal property shall be exempt from sale and the currency, instruments, or securities shall be exempt from distribution or disposition if it is subject to a legal lien prior to the date of the offense and if the applicable fees related to the property’s seizure and storage are paid by a valid lien holder.

D. The proceeds of the public sale or public auction shall pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the personal property and shall then be applied to any restitution granted to the victim. Any proceeds remaining shall be distributed by the district attorney in the following manner:

(1) Sixty percent to the seizing agency or agencies in an equitable manner.

(2) Twenty percent to the prosecuting agency.

(3) Twenty percent to the criminal court fund of the parish in which the offender was prosecuted.

E. Notwithstanding Subsection D of this Section, when the currency, instruments, securities, or other property is forfeited pursuant to the provisions following a conviction for a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (promoting the operation of places of prostitution), the currency, instruments, and securities and proceeds of the public sale or public auction shall be applied first to any restitution granted to the victim, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied.

F. Fifty percent to the Exploited Children’s Special Fund pursuant to R.S. 15:539.2.

§539.3 Mandatory restitution

A. A person convicted of a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (promoting the operation of places of prostitution), the currency, instruments, and securities and proceeds of the public sale or public auction shall be applied first to payment of restitution, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied. Restitution under this Section shall include any of the following:

Section 2. R.S. 14:40.3(C)(XIV)(a) and (b), 46.2(D)(4)(a) and (b), 46.3(D)(3)(a) and (b), 80(D)(2)(a) and (b), 81(F), (G), and (H)(3)(a) and (b), 81.1(E)(5)(c) and (d) and (F) and (1), 81.2(E)(1) and (2), 81.3(B)(4)(a) and (b), (G) and (H), 82.1(D)(4)(a) and (b), 83(B) (3)(a) and (b), 83.1(B)(4)(a) and (b), 83.2(B)(4)(a) and (b), 84(B)(4)(a) and (b), 85(B)(4)(a) and (b), 86(B)(2) and (3), 104(B)(4)(a) and (b), 106(B)(4)(a) and (b), 282(D)(4)(a) and (b), and 283(D) and (E) are hereby repealed in their entirety.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 353

SENATE BILL NO. 397

BY SENATOR BERNARD

AN ACT

To amend and reenact R.S. 18:1313, 1314(B)(1) and (C)(1)(a), and 1315(B), and to enact R.S. 18:423(J), and 1313.1, relative to absentee and early voting ballots; to provide for preparation, verification, tabulation and counting of such ballots; to provide for the duties and responsibilities of parish board of election supervisors; and to provide for related matters.

A. In any criminal proceeding, if it is determined that the property or material is no longer needed as evidence, The contraband shall be presumed to be necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or if the time for pursuing an appeal or post-conviction remedies has not expired.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 354

J. Notwithstanding Subsection E of this Section, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated no more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

$1313. Tabulation and counting of absentee by mail and early voting ballots

A. (1) The parish board of election supervisors in a parish that has fewer than one thousand absentee by mail ballots returned to the registrar of voters for a primary or general election shall conduct the tabulation and counting of such ballots in accordance with Section 1 of this Act.

(2) The parish board of election supervisors in a parish that has one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the tabulation and counting of such ballots in accordance with this Section. The parish board shall not count and tabulate the ballots in advance and shall cease counting at a time in writing no later than five days prior to a primary or general election that the tabulation and counting of absentee by mail and early voting ballots will be conducted pursuant to this Section or pursuant to R.S. 18:1313.1.

The parish board of election supervisors shall be responsible for the preparation, verification, tabulation and counting of all absentee by mail and early voting ballots in the parish. The board may utilize parish board commissioners to count the absentee by mail and early voting ballots in the parish. If the board determines that parish board commissioners are...
necessary to prepare, verify, count and tabulate the absentee by mail and early voting ballots, it shall select parish board commissioners in accordance with Article X, Section 13 of the Constitution of Louisiana. A majority of the members of the board are present and shall be present at a majority of the members of the board are not present to count the absentee by mail and early voting ballots and no parish board commissioners were previously selected, the members present may select a sufficient number of parish board commissioners on election day to assist in the counting of absentee by mail and early voting ballots.

Absentee ballots and early voting ballots cast after the close of the polls on election day shall be prepared, verified, counted and tabulated within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors, which time shall be on election day no later than 8:00 p.m.

(3) The opening of absentee by mail and early voting ballots on election day, any person authorized by the secretary of state may assist in the challenge removal process on the early voting machines, in the reading of the early voting machine results cartridges on the early voting equipment, and in producing the early voting machines results report. All early voting and absentee ballots shall be placed in the special absentee by mail and early voting envelope or container.

(G) (1) If the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls, such preparation, verification, counting, and tabulation shall be conducted in a location and manner to prevent disclosure of the results prior to the closing of the polls. Each person except a person providing security to the parish board of election supervisors; a representative of the attorney general, with written approval of the secretary of state; the clerk of court; the registrar of voters; or a person providing technical assistance pursuant to Paragraph (2) of this Subsection who enters the location in which the absentee by mail and early voting ballots are being prepared, verified, counted, and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and shall not disclose any information with respect to the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots until the closing of the polls. The person shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to ensure that no information with respect to the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots is communicated from the location where the absentee by mail and early voting ballots are being counted and tabulated prior to the close of the polls on election day.

(2) Any person authorized by the secretary of state may provide security or technical assistance to the parish board of election supervisors; a representative of the attorney general, with written approval of the secretary of state; the clerk of court; the registrar of voters; or a person providing technical assistance pursuant to Paragraph (2) of this Subsection who enters the location in which the absentee by mail and early voting ballots are being prepared, verified, counted, and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and shall not disclose any information with respect to the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots until the closing of the polls. The person shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to ensure that no information with respect to the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots is communicated from the location where the absentee by mail and early voting ballots are being counted and tabulated prior to the close of the polls on election day.

C. Candidates, their representatives, and qualified electors may be present during the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots. If the counting and tabulation of absentee by mail and early voting ballots begin prior to the closing of the polls, the board shall give notice reasonably in advance to the public that candidates, their representatives, and qualified electors may be present during the preparation, verification, counting, and tabulation that no person will be allowed to enter or to communicate with any other person outside, until such time as the polls are closed, nor shall any person who is not a candidate, their representative, or qualified elector be present, and the counting and tabulation of absentee by mail and early voting ballots shall be conducted in a secure location.

E. The board shall count the absentee by mail and early voting ballots and announce the results after the closing of the polls as the total number of absentee by mail and early voting votes cast in the election for each candidate and the total number cast for and against each proposition.

G. The procedure for the preparation, verification, counting, and tabulation of absentee by mail ballots shall be as follows:

(1) A member of the board shall remove the early voting verification forms, paper ballots voted during early voting, early voter report, and all early voting machine results reports from the special absentee by mail and early voting ballot envelope or container. The board shall review the early voting verification forms and early voting machine public counter logs and, if found to be acceptable to the board, sign each early voting verification form. If the board does not find an early voting verification form to be acceptable, it may review any early voting verification form and cause it to be renumbered and signed by the board.

(2) The board shall prepare, verify, and count the early voting machine results report for the early voting ballots.

H. The board shall determine the validity of challenges made in accordance with R.S. 18:1315.

(6) If the board determines that a paper ballot voted during early voting is valid, a member of the board shall write the words “voted early” and his initials on the early voting confirmation sheet and shall place it with the name of the voter as it appears on the report. The rejected ballot shall be placed in the special absentee by mail and early voting ballot envelope or container. No rejected absentee by mail ballot shall be counted.

(8) After the validity of all paper ballots voted during early voting has been determined, the members of the board shall place the valid early voting confirmation forms and valid voting papers removed from the invalid paper ballots voted during early voting in the envelope or container provided for that purpose and seal the envelope or container. Two of the members shall execute the certificate on the envelope.

I. If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from
a physical inspection of the defective ballot, the ballot may be counted by hand or a true duplicate may be made of the defective ballot in the presence of at least two witnesses. Any duplicate shall be clearly labeled ‘duplicate’, bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the special absentee by mail and early voting ballot envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

(12x(a) Prior to utilizing any absentee by mail and early voting counting equipment, the parish board of election supervisors shall generate a zero tally to ensure that the equipment’s candidate and question counters are set to zero. If no votes have been cast for any candidate or for or against any proposition.

(b) The board shall sign and certify to the correctness of each zero proof sheet and place all zero proof sheets in the special absentee by mail and early voting voting envelope or container.

(13) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter the total number of votes on the final absentee by mail and early voting vote report and shall certify the results.

The final absentee by mail and early voting vote report prepared by the parish board of election supervisors shall be transmitted to the clerk of court immediately upon completion of the tabulation of the absentee by mail and early voting ballots on election night. A copy of the record shall be transmitted immediately to the secretary of state, and a copy of the record shall be placed in the special absentee by mail and early voting envelope or container.

When the absentee by mail and early voting reports have been returned to the registrar of voters, the registrar, based on the information contained in the reports, shall confirm that the words “voted by mail” or “voted early” are written in the proper space on the precinct register for each voter who voted early or absentee by mail.

(1) Upon completion of the tabulation and counting of the absentee by mail and early voting ballots, the parish board of election supervisors shall retain both the paper ballots and the tabulation and electronic results report to the special absentee by mail and early voting ballot envelope or container, shall seal the envelope or container, and shall deliver the envelope or container to the registrar of voters. The registrar shall preserve the envelope or container and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow any person to inspect the early voting documents to be inspected by anyone until the delay for filing an action contesting the election has lapsed. If an action contesting the election is commenced timely, the registrar shall continue to preserve the envelope or container and its contents until subject to the orders of the court, until the final judgment in the action has become definitive.

(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office.

(ii) If the recount changes the outcome of the election for the office, the recount shall be conducted on the same day as the recount of the absentee by mail and early voting ballots in the parish. The board may utilize parish board election supervisors to conduct the recount. The board may utilize parish board election supervisors to conduct the recount, provided that the board has not utilized parish board election supervisors to conduct a recount at the same election. The board may utilize parish board election supervisors to conduct the recount if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall conduct the recount by hand or scanning equipment electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election.

(b) All recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, the recount shall be held on the next working day at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election.

(2) Absentee by mail and early voting ballots shall be counted at a public place and at a time to be announced by the clerk of court. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to the date of the recount. The court shall prominetly post in his office a notice of the time and place where the absentee by mail and early voting ballot recount will be conducted and the name of the candidate or the voter in the proposition election requesting the recount.

(c) Upon completion of the recount of the absentee by mail and early voting votes, the board shall finalize the recount results and shall certify the results in R.S. 18:423(E) or (J). No member of the parish board of election supervisors shall be reimbursed for attending a recount of absentee by mail and early voting ballots or inspection if such member received reimbursement for attending the reinspection of voting machines which was conducted on the same day as the recount of the absentee by mail and early voting ballots or inspection.

§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots: parishes with one thousand or more absentee by mail and early voting voters

A. Parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting votes.

B. The parish board of election supervisors shall be responsible for the preparation, verification, counting and tabulation of absentee by mail and early voting ballots in the parish. The board may utilize parish board election supervisors to count the absentee by mail and early voting ballots in the parish. If the board determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots the day before the election and to count and verify the absentee by mail and early voting ballots the day after the election, the parish board shall select parish board commissioners in accordance with the provisions of R.S. 18:1314. If a majority of the members of the board are not present for the preparation and verification process to count the absentee by mail and early voting ballots the day before the election, the parish board shall select parish board commissioners by secret ballot. If the parish board commissioners were previously selected, the members present may select a sufficient number of parish board commissioners on the day before the election or on election day, as applicable, to assist in the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots and the tabulation and counting of the ballots.

C.(1) The preparation and verification process for the counting of the absentee by mail and early voting ballots may be conducted by a public facility within the parish designated by the registrar of voters at a time fixed by the registrar of voters. The board may conduct the preparation and verification process for the counting of the absentee by mail and early voting ballots at a public facility within the parish designated by the parish board of election supervisors, which time shall be on election day no later than 8:00 p.m.

(ii) If the recount changes the outcome of the election for the office, the recount shall be conducted on the same day as the recount of the absentee by mail and early voting ballots in the parish. The board may utilize parish board election supervisors to conduct the recount. The board may utilize parish board election supervisors to conduct the recount, provided that the board has not utilized parish board election supervisors to conduct a recount at the same election. The board may utilize parish board election supervisors to conduct the recount if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall conduct the recount by hand or scanning equipment electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election.

(2) Absentee by mail and early voting voting ballots shall be counted at a public facility within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors, which time shall be on election day no later than 8:00 p.m.

D.(1) The counting and tabulation of absentee by mail and early voting ballots shall be conducted at a location and manner to prevent disclosure of the results prior to the closing of the polls. Each person except a person providing security to the parish board of election supervisors; a representative of the attorney general, with written approval of the secretary of state; the clerk of court;
of court; the registrar of voters; or a person providing technical assistance pursuant to Paragraph (3) of this Subsection who enters the location in which the absentee by mail ballots and early voting paper ballots that have been challenged on election day shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to enforce the provisions of this Subsection. Any written information or tabulation of absentee by mail and early voting ballots is transmitted from the location where the absentee by mail and early voting ballots are being counted and tabulated on election day prior to the close of the polls on election day.

The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B). The procedure for counting absentee by mail ballots and early voting paper ballots on election day shall be as follows:

(1) A member of the board shall remove the early voting machine results statement from the envelope containing the absentee by mail ballots and early voting paper ballots that have been challenged, and the duplicate ballot shall be counted in lieu of the defective ballot. After a ballot has been counted as a true duplicate.

(2) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(3) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

(4) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(5) If an absentee by mail ballot or early voting paper ballot has been challenged, the members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

(6) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(7) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

(8) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(9) The special absentee ballots cast by members of the United States Service, as defined in R.S. 18:1302, or a person providing technical assistance including advice, analysis, diagnosis, or repair for voting machines at the location where absentee by mail and early voting votes are being counted and tabulated. Such security or technical assistance may enter and leave the location where absentee by mail and early voting votes are being counted and tabulated on election day before the closing of the polls and during the counting and tabulation. No person shall disclose any information with respect to the counting and tabulation of absentee by mail and early voting ballots prior to the close of the polls on election day.

E. Candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail and early voting ballots on election day. If the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls on election day, the board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation that no person will be allowed to leave or to be present with any other person outside, until such time as the polls are closed, nor shall any person who is present during the counting and tabulation of absentee by mail and early voting ballots on election day possess a cellular telephone or electronic communication device.

F. The members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

G. The members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

H. The procedure for counting absentee by mail ballots and early voting paper ballots on election day shall be as follows:

(1) A member of the board shall remove the early voting machine results statement from the envelope containing the absentee by mail ballots and early voting paper ballots that have been challenged, and the duplicate ballot shall be counted in lieu of the defective ballot. After a ballot has been counted as a true duplicate.

(2) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(3) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

(4) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(5) If an absentee by mail ballot or early voting paper ballot has been challenged, the members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

II. The procedure for counting early voting machine ballots on election day shall be as follows:

(1) A member of the board shall remove the early voting machine results statement from the envelope containing the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

(2) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(3) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

(4) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(5) If an absentee by mail ballot or early voting paper ballot has been challenged, the members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballot envelopes on the report for the purpose of sealing the ballot. Two of the members of the board shall execute the first certificate on the envelope and date the certificate the day before the election.

(6) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(7) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

(8) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(9) The special absentee ballots cast by members of the United States Service or persons who reside outside of the United States may be counted by hand or by any other method of counting ballots adopted by the parish board of election supervisors to ensure that no information with respect to the counting and tabulation of absentee by mail and early voting ballots is transmitted from the location where absentee by mail and early voting ballots are being counted and tabulated. Such security or technical assistance including advice, analysis, diagnosis, or repair for voting equipment, the parish board of election supervisors shall generate a zero tally to ensure that no information with respect to the counting and tabulation of absentee by mail and early voting ballots is transmitted from the location where absentee by mail and early voting ballots are being counted and tabulated. Such security or technical assistance may enter and leave the location where absentee by mail and early voting ballots are being counted and tabulated on election day before the closing of the polls and during the counting and tabulation. No person shall disclose any information with respect to the counting and tabulation of absentee by mail and early voting ballots prior to the close of the polls on election day.

(10) Candidates, their representatives, and qualified electors may be present during the preparation and verification process for the tabulation of absentee by mail and early voting ballots on election day. If the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls on election day, the board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation that no person will be allowed to leave or to be present with any other person outside, until such time as the polls are closed, nor shall any person who is present during the counting and tabulation of absentee by mail and early voting ballots on election day possess a cellular telephone or electronic communication device.

(11) The board shall announce the name of each absentee by mail voter, each voter who voted a paper ballot during early voting and the ward and precinct where he is registered to vote, and shall compare the name on the certificate or on the flap of the envelope containing the absentee by mail ballot or early voting paper ballot, and the names on the absentee by mail voter report or early voter report, as applicable.

(12) The board shall separate any ballots that are challenged in accordance with R.S. 18:1315(A) or (B) from the ballots that are not challenged.

(13) If an absentee by mail ballot has not been challenged and is determined by the board to be valid, a member of the board shall mark on the check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If applicable, a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If applicable, a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If applicable, a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the early voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.
those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition and the number of valid early voting ballots cast for and against a proposition on election day shall be certified and signed by the candidate or his representative, in the presence of a majority of the parish board of election supervisors, to the registrar of voters who shall preserve the envelope or container, shall seal the envelope or container, and shall deliver the envelope or container to the registrar of voters. The registrar shall preserve the envelope or container and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow the absentee by mail and early voting ballots to be inspected or opened. The registrar shall keep a record of any inspection or recount of absentee by mail and early voting ballots.

(3) A candidate or his representative, in the presence of a majority of the parish board of election supervisors, shall be allowed to inspect the valid early voting ballots when paper ballots are used for early voting. All such inspections shall be held at 10:00 a.m., or following the recount of absentee by mail and early voting ballots on the fifth day after the election if that day falls on a holiday or weekend, such inspection shall be held on the next working day at 10:00 a.m., or following the recount of absentee by mail and early voting ballots on the day before the election, as applicable, or the recount of absentee by mail and early voting ballots or inspection if such member received reimbursement for attending the reinspection of voting machines which was conducted on the same day as the recount of the absentee by mail and early voting ballots or inspection.

(4) The parish board of election supervisors shall be entitled to reimbursement at the rate established in R.S. 18:423(E) for attending the recount of absentee by mail and early voting ballots and inspection, but not both if they are conducted on the same day. However, such reimbursement shall not be counted toward the limitation provided in R.S. 18:353(J). No member of the parish board of election supervisors shall be reimbursed for attending a recount of absentee by mail and early voting ballots or the inspection if the member received reimbursement for attending the reinspection of voting machines which was conducted on the same day as the recount of the absentee by mail and early voting ballots or inspection.

§1314. Parish board commissioners

B. Selection for primary election. (1) The parish board of election supervisors shall determine the number of parish board commissioners necessary to count the absentee by mail and early voting ballots in the primary election pursuant to R.S. 18:1313 or 1313.1, as applicable. The parish board of election supervisors shall select a maximum of six such commissioners. If the parish board of election supervisors determines that the number of parish board commissioners should be increased to more than six, the parish board shall make a request to the secretary of state for the additional parish board commissioners. The secretary of state or his designee determines that there is a need for the additional parish board commissioners, the parish board shall select the parish board commissioners.

C. Selection for general election. (1a) The parish board of election supervisors shall determine if the number of parish board commissioners necessary to count the absentee by mail and early voting ballots in the general election pursuant to R.S. 18:1313 or 1313.1, as applicable, can be reduced or should be increased from the number which counted absentee by mail and early voting ballots in the primary election.

§1315. Challenge of absentee by mail or early voting ballot

B. During the preparation and verification process for the counting of absentee by mail and early voting ballots on the day before the election, as applicable, or the counting of absentee by mail and early voting ballots on election day, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

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

Approved by the Governor, June 12, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 355

SENATE BILL NO. 398
BY SENATORS FOIL AND BARROW
AN ACT
To enact R.S. 29:735.4(E), relative to the Governor's Office of Homeland Security and Emergency Preparedness; to provide for qualifications of volunteers to cyber response and recovery support efforts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:735.4(E) is hereby enacted to read as follows:

§735.4. Registry of disaster volunteers; credentialing

E. Individuals desiring to volunteer for cyber response and recovery support efforts must meet all of the following qualifications:

(1) Be a U.S. citizen.

(2) Be a resident of the state.

(3) Have no criminal convictions or arrests aside from minor traffic violations.

(4) Not be identified on any national criminal registry including but not limited to the National Sex Offender Registry.

(5) Have a verifiable educational or professional background in information technology services or information security and assurance.

Approved by the Governor, June 12, 2020.

THE ADVOCATE
B. Boundaries. The district shall include the area within the following boundaries: beginning at the intersection of North 22nd Street and Florida Boulevard, east along Florida Boulevard to its intersection with North Sherwood Forest Drive, then north along North Sherwood Forest Drive to its intersection with Greenwell Springs Road, then southwest along Greenwell Springs Road to its intersection with Joor Road, then north along Joor Road to its intersection with Mickens Road, then west along Mickens Road to its intersection with Hooper Road, then west along Hooper Road to its intersection with Harding Boulevard, continuing west along Harding Boulevard to its intersection with Veterans Memorial Boulevard, then north along Veterans Memorial Boulevard to its intersection with Roswell Road, then west along Roswell Road to its intersection with Scenic Highway, then south along Scenic Highway to its intersection with Shada Avenue, then west to the Mississippi River levee, then south along the Mississippi River levee to Chocowina Drive, then east along Chocowina Drive to its intersection with Scenic Highway, then south along Scenic Highway to its intersection with Main Street, then east along Main Street to its intersection with North 22nd Street, then south along North 22nd Street to the point of beginning.

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

(a) Two One members shall be appointed by the state representative for House District No. 29, one of whom shall be a representative of the business community.

(b) Two members shall be appointed by the state senator for Senate District No. 15.

(c) One member with a background in economic development shall be appointed by the mayor-president of the parish of East Baton Rouge.

(d) One member shall be appointed by the member or members of the governing authority of the parish of East Baton Rouge who represent the district.

(e) One member shall be appointed with community development background located within the district to be selected by a subcommittee formed by the board.

(f) One member shall be appointed by the owner of the largest parcel of land located within the district.

(g) One member shall be appointed by the state representative for House District No. 61.

(h) One member shall be appointed by the state representative for House District No. 62.

(i) One member shall be appointed by the state representative for House District No. 67.

(j) One member shall be appointed by the state representative for House District No. 101.

(k) One member shall be appointed by the state senator for Senate District No. 14.

(l) One urban designer or community developer accountant located within the district to be selected by a subcommittee formed by the board.

(m) One representative of a civic association located within the district to be selected by a subcommittee formed by the board.

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

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1351(A)(2)(a) and (3), the introductory paragraph of (1)(a), 1352(A)(1) and the introductory paragraph of (3) and (B) (1), 1353(A) and 1354(A), and to enact R.S. 39:1352(B)(2)(e) and (4), relative to fiscal administrators of political subdivisions; to provide relative to appointments; to provide relative to duties of a fiscal administrator; to provide relative to the adoption of budget amendments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1351(A)(2)(a) and (3), the introductory paragraph of (1)(a), 1352(A)(1) and the introductory paragraph of (3) and (B) (1), 1353(A) and 1354(A) are hereby amended and reenacted and R.S. 39:1352(B)(2)(e) and (4) are hereby enacted to read as follows:

§1351. Appointment of a fiscal administrator

A. * * *

(2)(a) If it is determined by the unanimous decision of the legislative auditor, the attorney general, and the state treasurer at a public meeting to consider whether a political subdivision is reasonably certain to not maintain financial stability including but not limited to having sufficient revenue to pay current expenditures, excluding civil judgments, or to be failing to make a debt service payment, the attorney general shall file a rule to appoint a fiscal administrator for the political subdivision as provided for in this Chapter. * * *

(3) Upon making the decision authorized by Paragraph (2) of this Subsection, the attorney general shall, on motion in the district court of the domicile of the political subdivision, take a rule on the political subdivision to show cause why a fiscal administrator should not be appointed for the political subdivision as provided for in this Chapter. The hearing on the rule to show cause may be tried out of term and in chambers, shall always be tried by preference, and shall be held in not less than ten nor more than twenty days from the date the motion is filed. If the political subdivision consents to the appointment of a fiscal administrator, a joint motion by the attorney general and the political subdivision, along with a consent judgment, shall be filed in the district court of the domicile of the political subdivision within forty-five days of the decision authorized by Paragraph (2) of this Subsection. The court shall appoint a fiscal administrator within twenty days of filing of the joint motion and consent judgment according to the terms of the consent judgment.

B. (1) The trial court, in the absence of a joint motion and consent judgment, shall appoint a fiscal administrator in the following instances:

(a) If the court finds by a preponderance of the evidence from the facts and evidence deduced at the hearing of the rule that the political subdivision is reasonably certain to fail to make a debt service payment or reasonably certain to not have sufficient revenue to pay current expenditures, excluding civil judgments, or, in the case of a city, parish, or other local public school board, reasonably certain to fail to resolve its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education during the remainder of the current fiscal year and the fiscal year following or there will be sufficient revenue to pay current expenditure, excluding civil judgments, or, in the case of a city, parish, or other local public school board, its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education will be resolved. The supplemental reports shall be subject to adoption, approval, and court review as provided for in R.S. 39:1353.

$1354. Adoption of budget amendments

A. Within seven days after receipt of the initial report, the governing authority of the political subdivision shall adopt an appropriate budget of the political subdivision for the current fiscal year and the fiscal year following or there will be sufficient revenue to pay current expenditures, excluding civil judgments, or, in the case of a city, parish, or other local public school board, its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education during the remainder of the current fiscal year and the fiscal year following.

$1355. Termination of appointment

A. The fiscal administrator shall monitor revenues and expenditures of the political subdivision under the adopted budget, issuing such supplemental reports as he deems necessary, but no less frequently than required in R.S. 39:1352(B)(1), until it is reasonably certain that debt service payments by the political subdivision will be timely made during the remainder of the current fiscal year and the fiscal year following or there will be sufficient revenue to pay current expenditure, excluding civil judgments, or, in the case of a city, parish, or other local public school board, its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education will be resolved. The supplemental reports shall be subject to adoption, approval, and court review as provided for in R.S. 39:1353.

Section 2. This Act shall become effective upon approval of the court.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 359

SENATE BILL NO. 415
BY SENATOR MIZERELL AND REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 39:1351(A)(2)(a) and (3), the introductory paragraph of (1)(a), 1352(A)(1) and the introductory paragraph of (3) and (B) (1), 1353(A) and 1354(A), and to enact R.S. 39:1352(B)(2)(e) and (4), relative to fiscal administrators of political subdivisions; to provide relative to appointments; to provide relative to duties of a fiscal administrator; to provide relative to the adoption of budget amendments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1351(A)(2)(a) and (3), the introductory paragraph of (1)(a), 1352(A)(1) and the introductory paragraph of (3) and (B) (1), 1353(A) and 1354(A) are hereby amended and reenacted and R.S. 39:1352(B)(2)(e) and (4) are hereby enacted to read as follows:

§1351. Appointment of a fiscal administrator

A. * * *

(2)(a) If it is determined by the unanimous decision of the legislative auditor, the attorney general, and the state treasurer at a public meeting to consider whether a political subdivision is reasonably certain to not maintain financial stability including but not limited to having sufficient revenue to pay current expenditures, excluding civil judgments, or to be failing to make a debt service payment, the attorney general shall file a rule to appoint a fiscal administrator for the political subdivision as provided for in this Chapter. * * *

(3) Upon making the decision authorized by Paragraph (2) of this Subsection, the attorney general shall, on motion in the district court of the domicile of the political subdivision, take a rule on the political subdivision to show cause why a fiscal administrator should not be appointed for the political subdivision as provided for in this Chapter. The hearing on the rule to show cause may be tried out of term and in chambers, shall always be tried by preference, and shall be held in not less than ten nor more than twenty days from the date the motion is filed. If the political subdivision consents to the appointment of a fiscal administrator, a joint motion by the attorney general and the political subdivision, along with a consent judgment, shall be filed in the district court of the domicile of the political subdivision within forty-five days of the decision authorized by Paragraph (2) of this Subsection. The court shall appoint a fiscal administrator within twenty days of filing of the joint motion and consent judgment according to the terms of the consent judgment.

B. (1) The trial court, in the absence of a joint motion and consent judgment, shall appoint a fiscal administrator in the following instances:

(a) If the court finds by a preponderance of the evidence from the facts and evidence deduced at the hearing of the rule that the political subdivision is reasonably certain to fail to make a debt service payment or reasonably certain to not have sufficient revenue to pay current expenditures, excluding civil judgments, or, in the case of a city, parish, or other local public school board, reasonably certain to fail to resolve its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education during the remainder of the current fiscal year and the fiscal year following or there will be sufficient revenue to pay current expenditure, excluding civil judgments, or, in the case of a city, parish, or other local public school board, its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education will be resolved. The supplemental reports shall be subject to adoption, approval, and court review as provided for in R.S. 39:1353.

$1354. Adoption of budget amendments

A. Within seven days after receipt of the initial report, the governing authority of the political subdivision shall adopt an appropriate budget of the political subdivision for the current fiscal year and the fiscal year following.

$1355. Termination of appointment

A. The fiscal administrator shall monitor revenues and expenditures of the political subdivision under the adopted budget, issuing such supplemental reports as he deems necessary, but no less frequently than required in R.S. 39:1352(B)(1), until it is reasonably certain that debt service payments by the political subdivision will be timely made during the remainder of the current fiscal year and the fiscal year following or there will be sufficient revenue to pay current expenditure, excluding civil judgments, or, in the case of a city, parish, or other local public school board, its status as financially at risk as that status has been defined by rule by the State Board of Elementary and Secondary Education will be resolved. The supplemental reports shall be subject to adoption, approval, and court review as provided for in R.S. 39:1353.

Section 2. This Act shall become effective upon approval of the court.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 359

SENATE BILL NO. 415
BY SENATOR CARTER

AN ACT

To amend and reenact R.S. 33:4530(A), (B), and (C), 4531. and 4532, to enact R.S. 33:4530(D), 4534, 4535, 4536, and 4537, and to repeal R.S. 33:4533 and Act 279 of the 2011 Regular Session, relative to the New Orleans public belt railroad; to provide for the creation of the New Orleans Public Belt Railroad Commission; to provide for the composition of the commission membership; to provide for the commission’s purpose; to provide for the operation and maintenance of the Huey P. Long Bridge; to authorize the transfer of assets; to provide for employee arrangements; to provide for financial matters; and to provide for related matters.

Notice of intention to introduce this Act has been published. It be enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4530(A) is hereby amended and reenacted to read as follows:

§4530. New Orleans public belt railroad; operation by New Orleans public belt railroad commission

A. Except as hereinafter provided in § 4531, the city of New Orleans shall continue the operation of a public belt railroad by and through a commission to be known as the Public Belt Railroad Commission for the city of New Orleans, to be composed of the mayor of said city and sixteen citizen taxpayers who shall now and hereafter be chosen in the manner and for the terms provided in Ordinance 2003, New Council Series of the city of New Orleans, approved October 9, 1904, except that, in case any commercial organization mentioned therein shall cease to exist, and there being no other organization to take its place, the same shall be divided equally between the said taxpayers. THE ADVOCATE PAGE 37
organization performing similar functions, the members thereof appointed on recommendation of such organization shall be appointed by the public belt railroad commission. Such employment is in the public interest, and no other law shall be interpreted to prohibit this combination of offices and employment.

(4) The chief executive officer of the Board of Commissioners of the Port of New Orleans shall have the power to make contracts, and to acquire lands, leases, and other forms of property necessary for the operation of a railroad commission, to acquire or convey for any railroad its trains over the rights of the employees of the public belt railroad system under existing labor contracts and applicable law; however, this requirement shall not be interpreted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees.

D. The primary and specific purpose of the railroad commission is to promote economic growth and development in trade and commerce through the operation of the public belt railroad system and the expansion of such service. The provision of freight handling and transportation within the Port of New Orleans, whether by roadway, rail, or other means, shall be within the powers and functions of the Board of Commissioners of the Port of New Orleans, subject to compliance with any applicable provisions of the charter of the city of New Orleans, the right and authority to direct the railroad commission to assign, transfer, and deliver to such firm or corporation, political subdivision or state agency all of its rights of way, rails, tracks, locomotives, switch yards, and such other assets of the public belt railroad system as are needed or useful in connection with the operation of a terminal railroad, upon such terms and conditions as the city Board of Commissioners of the Port of New Orleans and and the railroad commission each shall approve by ordinance resolution duly adopted at a regular or special meeting of the board of commissioners of the Port of New Orleans. Any such agreement shall not be interpreted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees. With the exception of any agreement with any state agency which directly or indirectly affects an expenditure of state funds shall require the approval of the legislature.

A.(1) The city of New Orleans, by and through the Public Belt Railroad Commission, railroad commission shall continue to own, maintain, and operate the Huey P. Long Bridge, its approaches and appurtenances, across the Mississippi River at or near Mile Point J-37 in Jefferson Parish, Louisiana. This section shall not be construed or applied to prohibit the highway department of the state of Louisiana, the city of New Orleans, or any such agreement with any state agency which directly or indirectly affects an expenditure of state funds shall require the approval of the legislature.

§4532. The Huey P. Long Bridge; operation, maintenance, etc.

A.(1) The city of New Orleans, by and through the Public Belt Railroad Commission, railroad commission shall continue to own, maintain, and operate the Huey P. Long Bridge, its approaches and appurtenances, across the Mississippi River at or near Mile Point J-37 in Jefferson Parish, Louisiana. This section shall not be construed or applied to prohibit the highway department of the state of Louisiana, the city of New Orleans, or any such agreement with any state agency which directly or indirectly affects an expenditure of state funds shall require the approval of the legislature.

B. The city of New Orleans by and through the said commission The railroad commission shall have the power to make contracts, and to acquire lands, leases, and other forms of property necessary for the operation of a railroad commission, to acquire or convey for any railroad its trains over the rights of the employees of the public belt railroad system under existing labor contracts and applicable law; however, this requirement shall not be interpreted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees.

C. The control, operation, management, and development of the public belt railroad system upon its acquisition as provided in R.S. 33:4535 shall be exclusively vested in the railroad commission, subject to the provisions of this Code. The public belt railroad commission shall be permitted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees.
have the authority to contract upon such terms and conditions, and for such duration, as may be approved by a vote of two-thirds of the members of said the Commission, with any railroad company, with the consent of the railroad commission, by such that railroad company, its approaches and appurtenances, and for the use of any tracks owned by the Public Belt Railroad Commission railroad commission for the purpose of transporting and conveying its locomotives, cars, and trains and other equipment under its own power or power provided by another railroad.

B. Said The Huey P. Long Bridge, its approaches and appurtenances, and the lands and other things acquired in connection with the construction, operation, and maintenance thereof, shall be exempt from any form of taxation, assessment, or any other obligation, shall not be hypothecated, leased, or alienated by the city of New Orleans railroad commission, except that:

(1) Lands acquired which, by a two-thirds vote of all members of said the Commission railroad commission, are declared not necessary for the construction of said the bridge and appurtenances, or for use in the operation thereof, may be sold or leased. The same may be used by the public belt railroad commission for general railroad purposes. Such lands also may be exchanged with or transferred to the Board of Commissioners of the Port of New Orleans for compensation and value as may be mutually agreed by the political subdivisions.

(2) The public belt railroad commission may contract for the operation and management of the bridge as a part of the public belt railroad system under the circumstances and subject to the conditions set forth in §4526 of this Title provided in R.S. 33:4526-1064.

(3) The city of New Orleans railroad commission may transfer, assign, and deliver the bridge, its approaches and appurtenances, as a part of the public belt railroad to another political subdivision or agency of the state, if such political subdivision or agency agrees to operate, maintain, and provide for the benefit of the public belt railroad system, the lands and other things in connection therewith, and all other properties and assets owned, leased, or possessed, or used by the New Orleans Public Belt Railroad Corporation on the effective date of this Section are hereby transferred to the railroad commission.

(4) The authority to contract upon such terms and conditions, and for such duration, as may be approved by a vote of two-thirds of the members of said the Commission, with any railroad company, with the consent of the railroad commission, by such that railroad company, its approaches and appurtenances, and for the use of any tracks owned by the Public Belt Railroad Commission railroad commission for the purpose of transporting and conveying its locomotives, cars, and trains and other equipment under its own power or power provided by another railroad.

(5) The Public Belt Railroad Commission, for all purposes of this Subsection, may transfer, assign, and deliver the city of New Orleans railroad commission and its respective officers and employees perform rail carrier operations. Pursuant to a written agreement, the political subdivisions, provided such arrangement shall in no event include the exercise of any power, provided that at least one of those political subdivisions is authorized under a provision of general or special law to perform such activity to exercise such power as may be necessary for completion of the undertaking. Such arrangements may provide for the joint use of funds.

Orleans Public Belt Railroad Corporation. All of the obligations and debts of that corporation are hereby assumed by the railroad commission, including but not limited to all obligations assumed by that corporation pursuant to the Cooperative Endeavor Agreement effective February 1, 2018, among the city of New Orleans, the Public Belt Railroad Commission for the city of New Orleans, the Board of Commissioners of the Port of New Orleans, and the Public Belt Railroad Corporation.

(2) For purposes of this Subsection, legal proceeding includes but is not limited to any suit, action, incidental demand or action, claim, or any other matter filed or pending before any court, administrative agency, or other judicial or quasi-judicial body.

(3) For purposes of this Subsection, pleading includes but is not limited to any petition, application, exception, motion, rule, answer, incidental demand, citation, notice, return, affidavit, certificate, oath, bond or other security, summons, subpoena, writ, interrogatory, deposition, court record, and any other paper or document, which may be used by the New Orleans Public Belt Railroad Corporation transmitted to the railroad commission by this Section, were acquired by the corporation in direct exchange for properties transferred by the Board of Commissioners of the Port of New Orleans to the city of New Orleans.

(4) Any legal proceeding to which the New Orleans Public Belt Railroad Corporation is a party and which is pending upon the effective date of this Section, and all pleadings involved in the legal proceeding, shall retain their effectiveness and shall be continued in the name of the railroad commission. This provision shall not interrupt or suspend the running of any prescription or peremptory or revive or renew any matter or action. All further legal proceedings and pleadings in the continuation, disposition, and enforcement of the legal proceeding shall be in the name of the railroad commission, and the railroad commission shall be substituted for the original party, whether the original party is the Public Belt Railroad Commission for the city of New Orleans or the New Orleans Public Belt Railroad Corporation, without necessity for formal amendment of any pleadings.

(5) The authority to contract upon such terms and conditions, and for such duration, as may be approved by a vote of two-thirds of the members of said the Commission, with any railroad company, with the consent of the railroad commission, by such that railroad company, its approaches and appurtenances, and for the use of any tracks owned by the Public Belt Railroad Commission railroad commission for the purpose of transporting and conveying its locomotives, cars, and trains and other equipment under its own power or power provided by another railroad.

A. (1) All rights and properties of every kind, movable and immovable, corporeal and incorporeal, including but not limited to lands, servitudes, leases, locomotives, equipment, motor vehicles, switch yards, and the Huey P. Long Bridge, its approaches and appurtenances, and the lands and other things in connection therewith, and all other properties and assets owned, leased, equipment, books, records, accounts receivable, monies, intellectual property, contracts, properties and assets of the public belt railroad system or the Public Belt Railroad Commission for the city of New Orleans effective February 1, 2018, to the New Orleans Public Belt Railroad Corporation, a public nonprofit corporation formed and owned by the Board of Commissioners of the Port of New Orleans, is ratified.

Section 4. R.S. 33:4534 is hereby enacted to read as follows: §4534. Transfer of assets by the city of New Orleans

The assignment, transfer, and delivery by the city of New Orleans by and through the public belt railroad commission, with the concurrence of the council of the city of New Orleans, of all of the rights of way, rails, tracks, locomotives, switch yards, and the Huey P. Long Bridge, its approaches and appurtenances, and the lands and other things in connection therewith, and all other properties and assets owned, leased, equipment, books, records, accounts receivable, monies, intellectual property, contracts, properties and assets of the public belt railroad system or the Public Belt Railroad Commission for the city of New Orleans effective February 1, 2018, to the New Orleans Public Belt Railroad Corporation, a public nonprofit corporation formed and owned by the Board of Commissioners of the Port of New Orleans, is ratified.

Section 5. R.S. 33:4535, 4536, and 4537 are hereby enacted to read as follows: §4535. Railroad commission acquisition of assets; cooperation with the port of New Orleans

(1) All rights and properties of every kind, movable and immovable, corporeal and incorporeal, including but not limited to lands, servitudes, leases, rails, tracks, locomotives, equipment, motor vehicles, switch yards, books, records, accounts receivable, monies, intellectual property, contracts, properties and assets of the public belt railroad system or the Public Belt Railroad Commission for the city of New Orleans, of all of the rights of way, rails, tracks, locomotives, switch yards, and the Huey P. Long Bridge, its approaches and appurtenances, and the lands and other things in connection therewith, and all other properties and assets owned, leased, equipment, books, records, accounts receivable, monies, intellectual property, contracts, properties and assets of the public belt railroad system or the Public Belt Railroad Commission for the city of New Orleans effective February 1, 2018, to the New Orleans Public Belt Railroad Corporation, a public nonprofit corporation formed and owned by the Board of Commissioners of the Port of New Orleans, is ratified.

(2) The public belt railroad commission may enter into an agreement with the city of New Orleans, acting by and through the public belt railroad commission, for the purpose of promoting and expanding the transportation of goods in domestic or international commerce through or related to and for the benefit of the Port of New Orleans.

(3) For purposes of this Subsection, pleading includes but is not limited to any petition, application, exception, motion, rule, answer, incidental demand, citation, notice, return, affidavit, certificate, oath, bond or other security, summons, subpoena, writ, interrogatory, deposition, court record, and any other paper or document, which may be used by the New Orleans Public Belt Railroad Corporation transmitted to the railroad commission by this Section, were acquired by the corporation in direct exchange for properties transferred by the Board of Commissioners of the Port of New Orleans to the city of New Orleans.

(4) Any legal proceeding to which the New Orleans Public Belt Railroad Corporation is a party and which is pending upon the effective date of this Section, and all pleadings involved in the legal proceeding, shall retain their effectiveness and shall be continued in the name of the railroad commission. This provision shall not interrupt or suspend the running of any prescription or peremptory or revive or renew any matter or action. All further legal proceedings and pleadings in the continuation, disposition, and enforcement of the legal proceeding shall be in the name of the railroad commission, and the railroad commission shall be substituted for the original party, whether the original party is the Public Belt Railroad Commission for the city of New Orleans or the New Orleans Public Belt Railroad Corporation, without necessity for formal amendment of any pleadings.

(5) The authority to contract upon such terms and conditions, and for such duration, as may be approved by a vote of two-thirds of the members of said the Commission, with any railroad company, with the consent of the railroad commission, by such that railroad company, its approaches and appurtenances, and for the use of any tracks owned by the Public Belt Railroad Commission railroad commission for the purpose of transporting and conveying its locomotives, cars, and trains and other equipment under its own power or power provided by another railroad.

E. The railroad commission and any of its successors and assigns that operate, manage, and develop the public belt railroad system, shall be subject to the provisions of all federal railroad laws to the extent applicable to their terms to the public belt railroad system, including the Railway Labor Act, the Federal Railroad Safety Act, the Railroad Unemployment Insurance Act, the Federal Railroad Safety Act, and the Interstate Commerce Act. The railroad commission shall exercise and perform its powers and functions in cooperation with the Board of Commissioners of the Port of New Orleans. The railroad commission is a rail common carrier, and the railroad commission shall possess and retain all rail common carrier status and obligations under federal laws with respect to the public belt railroad system. Nothing in this Part is intended or shall be construed to create or impose any rail common carrier status or obligations on the Board of Commissioners of the Port of New Orleans. When appropriate, the respective officers and employees of the Board of Commissioners of the Port of New Orleans and the railroad commission are authorized to render support and services to the other political subdivision within their respective functions, purpose, and intent as formed and approved by the Board of Commissioners of the Port of New Orleans, transferred to the railroad commission by this Section, were acquired by the corporation in direct exchange for properties transferred by the Board of Commissioners of the Port of New Orleans to the city of New Orleans.

F. The railroad commission and any of its successors and assigns that operate, manage, and develop the public belt railroad system, shall be subject to the provisions of all federal railroad laws to the extent applicable to their terms to the public belt railroad system, including the Railway Labor Act, the Federal Railroad Safety Act, and the Interstate Commerce Act. The railroad commission shall exercise and perform its powers and functions in cooperation with the Board of Commissioners of the Port of New Orleans. The railroad commission is a rail common carrier, and the railroad commission shall possess and retain all rail common carrier status and obligations under federal laws with respect to the public belt railroad system. Nothing in this Part is intended or shall be construed to create or impose any rail common carrier status or obligations on the Board of Commissioners of the Port of New Orleans. When appropriate, the respective officers and employees of the Board of Commissioners of the Port of New Orleans and the railroad commission are authorized to render support and services to the other political subdivision within their respective functions, purpose, and intent as formed and approved by the Board of Commissioners of the Port of New Orleans, transferred to the railroad commission by this Section, were acquired by the corporation in direct exchange for properties transferred by the Board of Commissioners of the Port of New Orleans to the city of New Orleans.

THE ADVOCATE
§4336. Employees of the railroad commission  
A. The employees of the railroad commission, who were transferred from the Public Belt Railroad Commission of the city of New Orleans to the New Orleans Public Belt Railroad Corporation and pursuant to this Act are further transferred to the railroad commission, shall constitute a part of the railroad commission’s functions.

§4377. Financial matters and cooperation by the railroad commission  
A. The railroad commission is authorized to pledge the income, revenue, and receipts derived or to be derived from the properties and facilities owned, leased, maintained, or operated by the railroad commission or received from the railroad commission from these properties and facilities, or from contracts or agreements relating to these properties and facilities, to the payment of the revenue bonds and indebtedness issued by the Board of Commissioners of the Port of New Orleans from time to time. Any such pledge of and grant of security interest in income, revenues, monies, or receipts made by the railroad commission in connection with the issuance of securities by the Board of Commissioners of the Port of New Orleans shall be valid, binding, and perfected and have priority connection with the issuance of securities directly by the railroad commission.

§4378. The Board of Commissioners of the Port of New Orleans is authorized pursuant to Article VI, Section 29 of the Louisiana Constitution of 1974, to enter into agreements between the railroad commission and the Port of New Orleans or joint and several obligations of the political subdivisions, as determined by the board of the railroad commission. Nothing contained in this Section shall be construed as a restriction or limitation on any agreements under which the Board of Commissioners of the Port of New Orleans might otherwise have the laws of this state. This Section shall be regarded as supplemental and additional to powers conferred by other laws.

J. Upon the determination by the Board of Commissioners of the Port of New Orleans that the interests of the Port of New Orleans and the railroad commission would best be served if the financial statements of both political subdivisions are prepared and issued on a consolidated basis, with each political subdivision allocated separately within the report as required by law, the port board shall be authorized to undertake and prepare the joint consolidated financial statements and the railroad commission shall cooperate in the preparation thereof. The annual audit report and annual financing statements of both political subdivisions shall be distributed to the legislative auditor and to the other political subdivisions provided by law within six months of the close of their common fiscal years.

§1313. Tabulation and counting of absentee by mail and early voting ballots

R. Kyle Ardoin  
Secretary of State

Approved by the Governor, June 12, 2020.

To amend and reenact R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3), relative to the inspection of voting machines and recording of absentee by mail and early voting ballots; to provide for setting the timing of inspections; to provide for deadlines for requests for inspections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3) are hereby amended and reenacted to read as follows: §1313. Evidence of election results  
A. Opening the voting machines.

R. Kyle Ardoin  
Secretary of State

Approved by the Governor, June 12, 2020.

To amend and reenact R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3), relative to the inspection of voting machines and recording of absentee by mail and early voting ballots; to provide for setting the timing of inspections; to provide for deadlines for requests for inspections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
(b) All recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. on the fifth day after the election at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the reinspection of voting machines on the fifth day after the election and an any time ordered by a court of competent jurisdiction.

Any written request for recount of absentee by mail and early voting ballots shall be filed with the clerk of court. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:50 p.m. on the last working day prior to the date of the recount, third calendar day after the election. Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the recount will be held. After the recount of absentee and early voting ballots, the clerks of court shall prominently post in their office a notice of the time and place of the recount.

(3) A candidate or his representative, in the presence of a majority of the parish board of election supervisors, shall be allowed to inspect the flaps removed from the valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting. All such inspections shall be held at 10:00 a.m. a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such inspection shall be held on the next working day at 10:00 a.m. a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such inspection shall be held on the last working day prior to the date of the recount, third calendar day after the election.

Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the inspection will occur and the name of the candidate or the voter in the proposition election requesting the recount.

Approved by the Governor, June 12, 2020.

R. Kyle Ardoin
Secretary of State

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ACT 361

BY SENATOR WHITE AND REPRESENTATIVE EDMONDS

To enact Part IX-A of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3076 through 3080, relative to government; words underscored (House Bills) and underlined (boldface) and use taxes to fund the expenses of municipal government. As a result of the foregoing, the legislature determines it essential and necessary to authorize the creation of the St. George Transition District in the city of St. George and the parish of East Baton Rouge to levy a tax and provide funds to carry out the functions of such district.

§3076. Legislative findings: purpose

The legislature hereby finds and determines that in the event the lawsuit challenging the incorporation of the city of St. George within East Baton Rouge Parish is unsuccessful, a state of emergency will exist in the municipality until cash flow can be developed through the levy and collection of municipal sales and use taxes to fund the expenses of municipal government. As a result of the foregoing, the legislature determines it essential and necessary to authorize the creation of the St. George Transition District in the city of St. George and the parish of East Baton Rouge to levy a tax and provide funds to carry out the functions of such district.

§3077. Definitions

Whenver used in this Act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following interpretations:

(1) “Board” means the board of directors of the district or any successor thereto.

(2) “District” means the St. George Transition District or any successor thereto.

(3) “Mayor-president” means the mayor-president of the city of Baton Rouge and parish of East Baton Rouge.

(4) “Municipality” means the city of St. George in East Baton Rouge Parish.

(5) “Municipal tax” means the two percent sales and use tax levied by the city of St. George as provided in R.S. 33:3079(D)(5).

(6) “Parish” means East Baton Rouge Parish.

(7) “Parish tax” means the two percent sales and use tax levied in the unincorporated areas of the parish.

§3078. Continued levy of tax by East Baton Rouge Parish

Notwithstanding any law to the contrary, in the event the city of St. George, as approved by the voters on October 12, 2019, is incorporated, the parish may continue to levy and collect the parish tax within the corporate limits of the city of St. George. The parish may enter into contracts for the provision of essential public services to, or funding essential public services for, the citizens within St. George until the St. George Transition District levies and collects a two percent sales and use tax, or the provision of essential public services by the city of St. George and the parish of East Baton Rouge.

§3079. Creation of the district

The creation of the district is hereby determined that the creation of the district and the carrying out of its public purpose is in all respects a public and governmental purpose for the improvement of the health, safety, welfare, comfort, and security of the people of the municipality, and that such purposes are public purposes, and that the district will be performing an essential governmental function and meeting a public obligation in the exercise of the powers conferred upon it by this Section.

§3080. Authority and duties

The district shall have all of the rights and powers necessary to carry out the functions of the district as authorized in this Act.

(7) The members of the board shall be subject to and shall file disclosure statements in the manner required by R.S. 42:1124.

(1) The district shall be administered and governed by a board of directors of five persons composed of:

(a) The mayor-president or his designee who shall be a registered voter and living in the district.

(b) One member, who shall be a registered voter and living in the district, appointed by the senator representing Senate District No. 6.

(c) One member, who shall be a registered voter and living in the district, appointed by the member of the House of Representatives representing House District No. 86.

(d) The chairman and vice chairman for the petition for incorporation of St. George or their designees.

(2) The appointed members shall be selected on the basis of their experience in management and relevant knowledge and ability to act effectively for the best interests of the municipality.

(3) The board shall elect one of its members as chairman and another as treasurer. The board shall appoint a secretary and such other officers as are considered necessary who need not be directors of the district.

(4)(a) A majority of the directors shall constitute a quorum, and a majority vote of the quorum shall be required to take any action by the district.

(b) One member, who shall be a registered voter and living in the district, appointed by the board of directors, shall be a police officer or another law enforcement officer of the district. The board of directors shall, in conjunction with the registrar of voters and the clerk of court, or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction.

(5) No vacancy on the board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the district.

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

(7) Any officer or employee of the district may call, in writing, a meeting of the board at any time and place which the board shall designate.

(8) The secretary of the district shall keep a record of the proceedings of the board.

(9) The district shall have all of the rights and powers necessary to carry out any function required to be performed by the district, in the city of St. George, or within the parish of East Baton Rouge.

(10) The board shall fix the place or places at which meetings shall be held. The district shall be within the parish of East Baton Rouge.

(11) The members of the board shall serve without salary or per diem allowance.

(12) The members of the board shall be subject to and shall file disclosure statements in the manner required by R.S. 42:1124.

(13) The district shall have all of the rights and powers necessary to carry out any function required to be performed by the district, in the city of St. George, or within the parish of East Baton Rouge.
and effectuate the purposes and provisions of this Part. The district and the members of its board of directors shall be subject to all criminal and civil laws applicable to public bodies and public officials of the state and to the Code of Governmental Ethics. Without limiting the generality of the foregoing, the district shall have the following rights and powers:

(1) To adopt bylaws and prescribe rules for the regulation of its affairs and the conduct of its business.
(2) To adopt an official seal and alter the same at its pleasure.
(3) To maintain an office within the parish at such place as it may designate.
(4) To sue and be sued.
(5) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money.
(6) To apply and contract for assistance from the United States or other public or private sources, whether in the form of a grant or loan or otherwise.
(7) To make and execute contracts, intergovernmental agreements, and other agreements necessary in the exercise of the powers and functions of the district under this Part, including contracts with persons, firms, corporations, and others.
(8) To pledge or assign any contracts or rights of the district.
(9) To employ such personnel as may be required in the judgment of the board and to fix and pay their compensation from funds available to the district therefor.
(10) To transfer, grant, or donate all or any portion of its revenues to the municipality in order to assist the municipality in funding the delivery of essential public services to its citizens, reducing or eliminating its cash flow deficits or remedying cash flow shortfalls, paying obligations in connection therewith, or any combination of these.
(11) To accept the mortgage, pledge, hypothecation, assignment, or transfer of any properties by the municipality.
(12) To invest its monies in accordance with R.S. 33:2955.
(13) To enter into cooperative endeavor agreements or contracts for the provision of staff and meeting facilities and for the provision of such assistance and support services as the district may require in carrying out the intents and purposes of this Part.
(14) To incur debt.
(15) To exercise any and all other powers necessary to accomplish the purposes set forth in this Part.

D. (1) In order to provide funds for the purpose of assisting the municipality to fund the delivery of essential public services to its citizens, reduce or eliminate its cash flow deficit or remedy cash flow shortfalls, pay obligations in connection therewith, or any combination of these, the district is hereby authorized to levy and collect a tax not to exceed two percent. However, the district shall not levy or collect a tax if the rate thereof, when combined with the rate of the municipal sales and use taxes collected within the municipality, exceeds two percent.

(2) The tax shall be imposed by the district without the need of an election and shall be levied upon the sale at retail, the use, the lease or rental, the distribution, the consumption, and the storage for use or consumption of tangible personal property, and on sales of services in the state, as presently defined in and as provided by Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, subject to the tax exemptions provided in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950. Notwithstanding any provision of law to the contrary, the levy of the tax shall be effective and the tax shall be payable beginning on such date as shall be provided by the district.

(3) The proceeds of the tax hereinafter provided shall be used to fund the delivery of essential public services to its citizens, reducing or eliminating its cash flow deficit, remedying cash flow shortfalls, paying obligations in connection therewith, or any combination of these.

(4) The district shall contract with the parish for the collection of the tax under such terms and conditions applicable to other entities within the parish.

(5) The provisions of this Section shall be void, the district shall cease existences, and any sales and use taxes levied by the district shall cease to be levied at such time as the municipality levies and collects a two percent sales and use tax, the end of the quarter following the election to impose the municipal tax if the proposition is not approved by the electorate, or twelve months after the incorporation becomes final, whichever occurs first.

§380. Liberal construction

This Part and shall be construed to provide a complete method for the doing of the things authorized by this Part. The provisions of this Part shall be liberally construed for the accomplishment of its purposes.

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

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 362

SENATE BILL NO. 435
BY SENATORS ABRAHAM AND FOIL AND REPRESENTATIVE EDMONDS
AN ACT

To amend and reenact R.S. 29:735(A)(1), and to enact R.S. 29:773, relative to immunity from civil liability; to provide relative to certain immunity from civil liability by public entities and persons from civil liability during disasters and emergencies; to provide relative to the Louisiana Homeland Security and Emergency Assistance and Disaster Act; to provide relative to limitation of liability during the COVID-19 public health emergency; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:735(A)(1) is hereby amended and reenacted and R.S. 29:773 is hereby enacted to read as follows:

§735. Immunity of personnel
A.(1) Neither the state nor any political subdivision thereof, nor other state agencies, nor, except in case of willful misconduct, the agents, employees or representatives of any of them engaged in any homeland security and emergency preparedness and recovery activities, while complying with or attempting to comply with this Chapter or any rule or regulation promulgated pursuant to the provisions of this Chapter shall be liable for the death of or any injury to persons or damage to property as a result of such activity.

B. This Section shall not apply if the damages that resulted from or are related to the actual or alleged exposure to COVID-19 are shown by the evidence to be the result of gross negligence, willful misconduct, or intentional criminal misconduct.

C. This Section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under the Louisiana Workers' Compensation Law.

D. (1) In order to provide funds for the purpose of assisting the municipality to fund the delivery of essential public services to its citizens, reduce or eliminate its cash flow deficit or remedy cash flow shortfalls, pay obligations in connection therewith, or any combination of these, the district is hereby authorized to levy and collect a tax not to exceed two percent. However, the district shall not levy or collect a tax if the rate thereof, when combined with the rate of the municipal sales and use taxes collected within the municipality, exceeds two percent.

(2) The tax shall be imposed by the district without the need of an election and shall be levied upon the sale at retail, the use, the lease or rental, the distribution, the consumption, and the storage for use or consumption of tangible personal property, and on sales of services in the state, as presently defined in and as provided by Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, subject to the tax exemptions provided in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950. Notwithstanding any provision of law to the contrary, the levy of the tax shall be effective and the tax shall be payable beginning on such date as shall be provided by the district.

(3) The proceeds of the tax hereinafter provided shall be used to assist the municipality in funding the delivery of essential public services to its citizens, reducing or eliminating its cash flow deficit, remedying cash flow shortfalls, paying obligations in connection therewith, or any combination of these.

(4) The district shall contract with the parish for the collection of the tax under such terms and conditions applicable to other entities within the parish.

(5) The provisions of this Section shall be void, the district shall cease existences, and any sales and use taxes levied by the district shall cease to be levied at such time as the municipality levies and collects a two percent sales and use tax, the end of the quarter following the election to impose the municipal tax if the proposition is not approved by the electorate, or twelve months after the incorporation becomes final, whichever occurs first.

§380. Liberal construction

This Part and shall be construed to provide a complete method for the doing of the things authorized by this Part. The provisions of this Part shall be liberally construed for the accomplishment of its purposes.

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

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 363

SENATE BILL NO. 441
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 34:484(B), relative to the Calcasieu-Cameron Navigation District board of commissioners; to provide for meetings of the board of commissioners; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:484(B) is hereby amended and reenacted to read as follows:

§484. Officers and employees of board; meetings; quorum

B.(1) The board shall meet in regular session once each quarter and shall also meet in special session as often as the president of the board convenes them, or on written request of three members.

(2) Notwithstanding Paragraph (1) of this Subsection, if there is no business to come before the board and there has not been a request of at least three members, the president may elect to call a regular session meeting. In such instances, the president shall notify all members of the board of commissioners of his decision.

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

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 364

SENATE BILL NO. 517
(Substitute of Senate Bill No. 388 by Senator Fields)

BY SENATORS FIELDS, ABRAHAM, ALLAIN, BARROW, BERNARD,
BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS,
HENRY, HENSSENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU,
MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK,
POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE AND WOOLACK
AND REPRESENTATIVES AMEDEE, CARPENTER, CORMIER, COX,
LARVAUDAIN AND CHARLES OWEN

AN ACT

To amend and reenact R.S. 23:1233, relative to law enforcement officers; to provide relative to workers' compensation weekly death benefit of the surviving spouse; to allow continuation of benefits upon remarriage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1233 is hereby amended and reenacted to read as follows:
§1233. Death or marriage of dependent; age limit of minor dependent. A. (1) Weekly payments to a surviving spouse shall continue until the death of the surviving spouse. In the case of remarriage of the surviving spouse, two years compensation payments shall be payable in one lump sum.

B. Weekly payments to a surviving child, physically or mentally incapacitated from earning, shall continue as long as such incapacity exists.

C. Weekly payments to a minor dependent child, who is not mentally or physically incapable of wage earning, shall terminate when he dies, marries, reaches the age of eighteen years, or, if enrolled and attending as a full-time student in any accredited educational institution, until he ceases to be enrolled and attending or reaches the age of twenty-three years.

D. Weekly payments for all other dependents as determined in Subpart D of this Part shall continue as long as their dependency shall exist or shall terminate upon their deaths.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 365

SENATE BILL NO. 518
(Substitute of Senate Bill No. 485 by Senator Hewitt)

BY SENATOR HEWITT

AN ACT

To enact Part VI of Title 10 of Chapter 1 of R.S. 46:1098.1 and was killed in the line of duty, the weekly payment to the surviving spouse shall continue until the death of the surviving spouse.

B. Weekly payments to a surviving child, physically or mentally incapacitated from earning, shall continue as long as such incapacity exists.

C. Weekly payments to a minor dependent child, who is not mentally or physically incapable of wage earning, shall terminate when he dies, marries, reaches the age of eighteen years, or, if enrolled and attending as a full-time student in any accredited educational institution, until he ceases to be enrolled and attending or reaches the age of twenty-three years.

D. Weekly payments for all other dependents as determined in Subpart D of this Part shall continue as long as their dependency shall exist or shall terminate upon their deaths.

Approved by the Governor, June 12, 2020.

A true copy:
R. Kyle Ardoin
Secretary of State

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where feasible.

2. Public interviews of the applicants shall be conducted.

3. The nominating committee shall be composed of at least one person from each of the following categories:
   (1) A member of the Louisiana State Bar Association in good standing who has considerable experience or expertise in hospital representation.
   (2) A certified public accountant authorized to practice in Louisiana with a practice experience in audit and financial procedures of hospitals.
   (3) A person with at least a bachelor's degree and five years of financial experience in commercial and bond work.
   (4) An insurance executive with at least a bachelor's degree and five years of experience in the area of group benefits and managed care issues.
   (5) A professional with five years of experience in operating a large business corporation or large nonprofit corporation.

4. Members of the nominating committee shall not be public officials.

5. The nominating committee shall hold interviews in a public forum and as a result of the forum present to the appointing authority, pursuant to this Section, a list of a minimum of two and a maximum of three nominees for each position to be filled.

§1098.4. Board nominations by Slidell Memorial Hospital

Slidell Memorial Hospital Appointments. The board members from the Slidell Memorial Hospital medical staff shall be nominated and appointed as follows:

(1) One appointee of the St. Tammany Parish council who resides within the geographical boundaries of the district.
(2) One appointee of the state senator or the state representative in whose district Slidell Memorial Hospital resides.
(3) A person with at least a bachelor's degree and five years of experience in evaluating and designing hospital services.

The boards of the district shall have long-standing professional ties to Slidell Memorial Hospital. Medical staff nominees are not required to reside within the geographical boundaries of the district.

6. The appointing authority shall appoint as members of the board the two nominees of the medical staff.

7. (a) Notwithstanding any other provision of law to the contrary, a licensed physician who is a member or former member of the board of commissioners elected pursuant to this Subsection, is not prohibited from contracting with, sub-contracting with, or providing services to any entity, who hires him or to whom he renders professional services, in an entity that contracts, or accepting employment with Slidell Memorial Hospital, provided that the contract is related to the licensed physician's practice of medicine or expertise as a licensed physician. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to any contracts permitted by this Paragraph and entered into by him, by a provider with which he subcontracts, or by any entity in which he owns an interest.
(b) All contracts permitted by this Section, entered into while the physician is a member of the board of commissioners, shall be disclosed to the Louisiana Board of Ethics within thirty days of the execution of the contract. The disclosure shall include the parties to the contract, the purpose of the contract, and the date the contract was executed.

§1098.5. Authority

A. The members of the board of commissioners shall be appointed in a public forum by the appointing authority from the list of nominees within thirty days of receipt of the nominations pursuant to R.S. 46:1098.3.

B. The appointing authority shall be composed of seven members as follows:
   (1) One appointee of the Slidell city council who resides within the city limits of Slidell.
   (2) One appointee of the mayor of Slidell who resides within the city limits of Slidell.
   (3) One appointee of the St. Tammany Parish council who resides within the geographical boundaries of the district.
   (4) One appointee of the state senator and the state representative in whose district Slidell Memorial Hospital resides.
   (5) One appointee of the medical staff of Slidell Memorial Hospital.

C. The state senator shall be responsible for ensuring the proper appointment of all members of the nominating committee pursuant to this Section, calling and providing proper notice of all meetings of the nominating committee, and maintaining all appropriate documentation of the nominating committee. The nominating committee shall select annually a chairman to conduct meetings of the committee.

D. (1) The appointing authority members who are not elected officials shall serve terms of three years.
   (2) Elected officials serving on the appointing authority may serve for a term commensurate with their term of office.

E. For board vacancies expected due to term limits, the appointing authority shall conduct their meetings and fulfill their duties by December fifteenth of each year in order that each appointee may have six months to observe and orient to the board prior to taking their office on July first of the following year. Orienting appointees shall be compensated at a per diem rate and for reasonable expenses for attending meetings or education sessions of the board prior to their appointment.

§1098.6. Qualifications of board of commissioners

A. (1) No person owning or possessing any property interest in any of the stocks, bonds, or other securities issued by any private hospital located in the same area served by the district, and no person who is a director or other officer or employee of any private hospital shall be eligible for or hold any position on the board of commissioners except those positions to be named by the Slidell Memorial Hospital medical staff.
   (2) With respect to privileges at any district hospital, such a decision regarding appointment to the board shall be exercised by the appointing authority.

B. (1) Members of the board are eligible for reappointment by the appointing authority. Any vacancy on the commission shall be filled for the remaining portion of the term in the same manner as the original appointment.
   (2) No member of the board, whether appointed by recommendation of the nominating committee or the medical staff, shall serve more than three consecutive terms.
   (3) If an appointee is named to fill the term of a member who has left the board and more than two years remain in the term, that appointee's term shall not be considered one of the three consecutive terms to which a member is limited.
   (4) If an appointee is named to fill the term of a member who has left the board and more than two years remain in the term, that appointee's term shall be considered one of the three consecutive terms to which a member is limited.
   (5) Members of the board shall have long-standing professional ties to Slidell Memorial Hospital. Medical staff nominees are not required to reside within the geographical boundaries of the district.

C. Any commissioner may be removed by majority vote of the board or by the appointing authority, but only for cause, including misconduct, incompetency, or neglect of duty, and on charges preferred against the member in writing to the board by at least two members of the board. Any commissioner so removed shall have the right to contest the action in the Twenty-Second Judicial District Court. The sufficiency of the charges and of the evidence tendered in support thereof shall be considered by the Twenty-Second Judicial District Court in the exercise of its discretion.

§1098.7. Rights, powers, and duties of board of commissioners

The district acting by and through its board shall have and exercise all rights, powers, and duties of board of commissioners. All persons and bodies subject to the control or influence of the district shall have the right to be heard by the board, and the board shall have the duty to determine the sufficiency of the charges and of the evidence tendered in support thereof.
offices for health care professionals, laboratories, and any other physical facilities necessary to carry out the purposes of the district.
(11) To delegate authority to its officers, appointees, and employees.
(12) To establish, maintain, and carry on its activities in any one or more profit or nonprofit corporations for the benefit of the district.
(13) To borrow money and to issue general obligation bonds, revenue bonds, notes, certificates, or other evidence of indebtedness of the district in order to provide hospital services.
(14) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(15) To do any and all things which would be permitted to public hospitals organized under the provisions of Chapter 9, Title 10 of the Revised Laws of Louisiana, and the General Hospital Act of 1995, including but not limited to: (a) to provide for the proper fiscal operation of the health care facility.
(16) To operate and manage a professional liability insurance program.
(17) To do any and all things which would be permitted to public hospitals organized under the provisions of Chapter 9, Title 10 of the Revised Laws of Louisiana, and the General Hospital Act of 1995, including but not limited to: (a) to provide for the proper fiscal operation of the health care facility.
(18) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(19) To do any and all things which would be permitted to public hospitals organized under the provisions of Chapter 9, Title 10 of the Revised Laws of Louisiana, and the General Hospital Act of 1995, including but not limited to: (a) to provide for the proper fiscal operation of the health care facility.
(20) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(21) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(22) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(23) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(24) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.
(25) To do any and all things except as limited by the Louisiana Constitution and the laws of the United States which are necessary for the district to provide health care facilities and services.

$1999.8. Bylaws; compliance
The bylaws of the board and of the medical staff shall be made compatible in all respects within the provisions of this Part. Any discrepancy between the bylaws of the medical staff and this Part, or between the bylaws of the board and this Part, shall be resolved in favor of this Part. In no case shall the bylaws of the medical staff prevail against either this Part or the bylaws of the board.

$1999.9. Board officers; powers, duties, and responsibilities
The powers and responsibilities of the officers of the board of commissioners shall be as follows:
(1) The chairman shall preside over all meetings, decide all questions of procedure, and have all authority generally granted to chairmen and other presiding officers. Except as otherwise provided in this Part, he may vote on any issue before the commission, and he shall have the right to break a tie in any vote taken by the commission. Except to break a tie, he shall have no vote in the selection of the vice chairman. The chairman shall appoint all standing committees and their officers not later than September 30, 2009, and annually thereafter, and the chairman shall appoint the members of the committees, whether or not such committees consist of commission members. The chairman shall have the right and power to interest himself in all affairs of the district and the facilities operated by the district.
(2) The vice chairman shall act as chairman in the absence of the chairman.
(3) The secretary-treasurer shall issue notices of all regular and special meetings, receive and attend to all correspondence of the commission, have custody of all documents of the board, and otherwise perform such acts as are usually peculiar to his office.

$1999.10. Chief executive officer; appointment, powers, duties, and responsibilities
A. The board of commissioners shall select, appoint, and employ a chief executive officer, referred to in this Part as "CEO", who shall have training and experience in the field of hospital administration and who shall be familiar with the principles and methods of hospital and institutional care. He shall be a full-time employee of the district and shall receive compensation as fixed by the board. The board may contract with the CEO, or he may serve at its pleasure.
B. In addition to the powers, duties, and responsibilities conferred by any other provisions of this Part, the CEO shall have the following powers, duties, and responsibilities:
(1) To attend all meetings of the board.
(2) To establish positions of employment and to appoint and employ personnel necessary for the operation of the health care facility or facilities under his jurisdiction; to establish rates of pay and employee benefits; to abolish positions; and to transfer, promote, demote, and otherwise alter the status of employees of the facility or facilities.
(3) To establish and enforce rules, regulations, guidelines, directives, policies, and procedures set forth by the board, to control and direct all business affairs of the health care facility, including but not limited to the following:
   (a) Maintaining the accounts of the district.
   (b) Issuing notices of all regular and special meetings.
   (c) Making major and minor repairs to physical facilities.
   (d) Negotiating and signing contracts.
(4) Within the rules, regulations, guidelines, directives, policies, and procedures set forth by the board, to control and direct all business affairs of the health care facility, including but not limited to the following:
   (a) Maintaining the accounts of the district.
   (b) Issuing notices of all regular and special meetings.
   (c) Making major and minor repairs to physical facilities.
   (d) Negotiating and signing contracts.

(8) To prepare an annual budget for approval by the board.
(9) To provide for documentation and maintenance of appropriate medical records and reports.
(10) To receive, record, and maintain a correct accounting of all sfts, bequests, gifts in aid, and other revenues for purposes designated, all subject to any conditions that may be imposed in any act of donation or any law providing grants in aid or other revenues for such purposes.
(11) To perform any other duties and functions which the CEO or the board considers necessary or desirable.
(12) To serve as ex officio adviser to all committees of the commission specifically excluded from this role by the board or its chairman.

$1999.11. Medical staff; appointment; duties, and responsibilities
A. The board shall appoint a medical staff to the health care facilities owned or operated by the district. Such appointments may be made after consultation with the physicians who are authorized to practice within the health care facility or facilities.
B. The medical staff so appointed shall have the following duties:
(1) To render professional medical care to the sick and injured.
(2) To advise and assist the board and the CEO relative to standards of health care operation and professional problems.
(3) To participate in the educational activities of the district.
(4) To be familiar with the rules and regulations for the conduct of the medical staff for board approval.
(5) To elect from its membership a chief of staff, a vice chief of staff, and a secretary-treasurer. If the medical staff of the health care facility is departmentalized, the staff shall also select from its membership the heads of

CODING: Words in red are deletions from existing law; words underscored (House Bills) and italicized and boldfaced (Senate Bills) were added.
any specialized services of the health care facility. Subsequent to the election, the elected heads of specialized services shall be approved by a committee consisting of the chairman of the board, who shall serve as chairman of the committee, the CEO, and the newly elected chief of staff. If an elected head of a specialized service is not approved by the committee, the committee shall nominate at least two qualified staff members for the position of head of the specialized service, and the staff shall elect one from those nominated.

(6) To consult with the board in the appointment of a CEO.

$1098.12. Sale of ownership or control of hospital

Notwithstanding any other law to the contrary, the board may sell to any person an ownership interest in the district hospital that results in the acquiring person holding less than fifty percent interest in the ownership or control of the hospital. The provisions of R.S. 33:4341 shall not apply to any sale pursuant to the authority granted in this Section.

$1098.13. Tax collection and allocation of proceeds

For the purpose of providing revenue to carry out the objects contemplated hereby, the board may levy and collect annually a special tax not to exceed five mills on all property in the district subject to such tax in accordance with Article VI, Section 32 of the Louisiana Constitution, subject to approval by a majority of the electors of the district voting at an election called by the board of commissioners and held for that purpose. The tax shall be collected in the same manner as other special taxes. The avails of any such tax shall be used solely for acquisition, construction, improvement, maintenance, and operation of health care facilities or improvements.

$1098.14. Authority to issue bonds: continuation of prior obligations

A. The board shall have the power to issue bonds for the purpose of constructing, acquiring, extending, and improving health care facilities of the district pursuant to Article VI, Section 33 of the Louisiana Constitution and other constitutional and statutory authority supplemental thereto. Such bonds may be issued only after authorization by a majority of voters in the district voting at an election called by the board and held for that purpose.

B. Bonds or other obligations secured by Slidell Memorial Hospital on August 1, 1984, shall continue to be secured by both the hospital and the district until they are retired.

$1098.15. Contracts: cooperation

The Slidell Memorial Hospital may contract to receive or offer agreements for materials, services, or supplies pursuant to a shared service or group purchasing arrangement with other hospitals, either public or private, in accordance with the provisions of R.S. 38:2211 et seq. In addition, Slidell Memorial Hospital and the district shall otherwise cooperate in all respects possible for the best interests of the citizens of St. Tammany Parish.

$1098.16. Minority partner

Only in the event that Slidell Memorial Hospital should acquire a minority partner with a share of less than fifty percent of the assets of the hospital, shall the board of commissioners be empowered to allow representation of the minority partner on the board.

(1) By a two-thirds vote of the board of commissioners, the size of the board may be increased by not more than two members in order to allow for representation of a minority shareholder on the board.

(2) Such board members shall be appointed by the minority shareholder to serve initial terms of one year and two years respectively.

(3) Subsequently, these appointees of the minority shareholder shall serve full four-year terms.

(4) No other restrictions or qualifications shall apply to board members appointed by a minority shareholder, except with regard to term limitations contained herein.

$1098.17. Liberal construction

This Part, being intended to carry out a function of the state to protect the health and welfare of the inhabitants of the state to be affected thereby, shall be liberally construed by the courts to effect its purposes.

$1098.18. Miscellaneous

Members or officers of the medical staff, employees or officers of the health care facilities of the district, board members, and persons who occupy management positions, or any other office whatsoever for a facility of the district or for the district may possess a property interest in or own stocks, bonds, or other securities issued by health maintenance organizations and preferred provider organizations and may refer members of these organizations to the health care facilities of the district.


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

Approved by the Governor, June 12, 2020.