To appropriate funds and to make certain reductions from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2020-2021; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The following sums are hereby appropriated from the sources specified for the purpose of making supplemental appropriations for Fiscal Year 2020-2021. Reductions are denoted in parentheses.

EXECUTIVE DEPARTMENT

01-100 EXECUTIVE OFFICE

Payable out of the State General Fund (Direct) to the Administrative Program for the office of disability affairs $ 100,000

Payable out of the State General Fund (Direct) to the Gingerbread House Bossier-Caddo Children's Advocacy Center, Inc. for operating expenses $ 50,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Administrative Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Disability Affairs Trust Fund by ($100,000).

01-103 MENTAL HEALTH ADVOCACY SERVICE

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Administrative Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($430,000).

01-106 LOUISIANA TAX COMMISSION

Payable out of the State General Fund by Statutory Dedications out of the Tax Commission Regulatory/Oversight Program to the Property Taxation Expense Fund for operating expenses $ 545,177

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Property Taxation Regulatory/Oversight Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($697,943).

01-107 DIVISION OF ADMINISTRATION

Payable out of the State General Fund (Direct) to the Executive Administration Program for application toward the payment due this year for the Hurricane and Storm Damage Risk Reduction System $ 400,000,000

01-111 GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS

Payable out of the State General Fund (Direct) to the Administrative Program for increased expenses related to the LWIN system $ 2,004,576

Payable out of the State General Fund (Direct) to the Administrative Program for state match for the federal Building Resilient Infrastructure and Communities grant $ 2,438,130

Payable out of Federal Funds to the Administrative Program for federal matching funds generated by the Building Resilient Infrastructure and Communities grant $ 7,314,389

Payable out of the State General Fund (Direct) to the Administrative Program for the final installment payment to the Federal Emergency Management Agency for the state's share of the August 2016 flood event $ 7,498,335

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of the cost to the Federal Emergency Management Agency for Assistance costs associated with Hurricane Laura $ 142,746

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of Assistance costs associated with Hurricane Zeta $ 16,738,064

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Hurricane Laura $ 9,817,694

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Hurricane Delta $ 2,522,119

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Hurricane Delta $ 3,532,833

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Hurricane Sally $ 511,238

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Tropical Storm Cristobal $ 64,063

Payable out of the State General Fund (Direct) to the Administrative Program for payment to the Federal Emergency Management Agency for the state's share of Assistance costs associated with Hurricane Zeta $ 474,752

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Hurricane Zeta $ 510,015

Payable out of the State General Fund (Direct) to the Administrative Program for the state's share of emergency response efforts related to Severe and Winter Weather $ 2,000,869

Payable out of the State General Fund (Direct) to the Administrative Program for the final payment on the state's share of the January 2013 Severe Storms/Flooding cost $ 14,558

Payable out of the State General Fund (Direct) to the Administrative Program for the final payment on the state's share of the 2015 Severe Storms/Flooding cost $ 118,588

Payable out of the State General Fund (Direct) to the Administrative Program for the final payment on the state's share of costs related to Tropical Storm Ida $ 3,819,821

Payable out of the State General Fund (Direct) to the Administrative Program for the Hazard Mitigation Grant Program $ 7,744,553
Payable out of the State General Fund (Direct) to the Administrative Program to pay the outstanding balance for equipment purchased through the Louisiana Equipment and Acquisition Fund  $ 1,874,716

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Administrative Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Coronavirus Local Recovery Allocation Fund by ($4,999,999).

Payable out of the State General Fund (Direct) to the administrative program for the state cost share of Severe Winter Storm (DR-4590) $ 110,410

01-112 DEPARTMENT OF MILITARY AFFAIRS

Payable out of the State General Fund (Direct) to the Military Affairs Program for hurricane related expenses and expenses for election security $ 3,716,544

Payable out of the State General Fund (Direct) to the Military Affairs Program for National Guard death benefit payments $ 500,000

Payable out of the State General Fund (Direct) to the Military Affairs Program for increased costs associated with building projects at Camp Beauregard $ 1,500,000

Payable out of the State General Fund (Direct) to the Military Affairs Program for emergency response to flooding beginning on May 18, 2021 (Proclamation No. 89 JBE 2021) $ 202,665

01-129 LOUISIANA COMMISSION ON LAW ENFORCEMENT

Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the State Program for the DARE Program $ 47,845

01-133 OFFICE OF ELDERLY AFFAIRS

Payable out of the State General Fund (Direct) to the Administrative Program for the New Orleans Council on Aging $ 300,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Administrative Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($300,000).

DEPARTMENT OF VETERANS AFFAIRS

03-130 DEPARTMENT OF VETERANS AFFAIRS

Payable out of the State General Fund (Direct) to the State Veterans Cemetery Program for acquisitions, major repairs, and operating expenses $ 120,250

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Claims Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($400,000).

ELECTED OFFICIALS

DEPARTMENT OF STATE

04-139 SECRETARY OF STATE

Payable out of the State General Fund (Direct) to the Elections Program for elections costs $ 2,206,232

DEPARTMENT OF JUSTICE

04-141 DEPARTMENT OF JUSTICE

Payable out of the State General Fund by Statutory Dedications out of the Department of Justice Legal Support Fund to the Civil Law Program for continuing representation of the State of Louisiana in opioid litigation $ 1,637,005

DEPARTMENT OF TREASURY

04-147 STATE TREASURER

Payable out of the State General Fund (Direct) to the Financial Accountability and Control Program for an online reporting system $ 90,000

DEPARTMENT OF AGRICULTURE AND FORESTRY

04-160 AGRICULTURE AND FORESTRY

Payable out of the State General Fund (Direct) to the Animal Health and Food Safety Program for the state’s share of emergency response efforts related to Hurricane Laura $ 1,924,945

Payable out of the State General Fund (Direct) to the Animal Health and Food Safety Program for the state’s share of emergency response efforts related to Hurricane Zeta $ 66,719

Payable out of the State General Fund (Direct) to the Animal Health and Food Safety Program for the state’s share of emergency response efforts related to Hurricane Delta $ 501,651

DEPARTMENT OF ECONOMIC DEVELOPMENT

05-252 OFFICE OF BUSINESS DEVELOPMENT

Payable out of Federal Funds to the Business Development Program for the Louisiana State Export Trade and Promotion program $ 225,000

Payable out of the State General Fund (Direct) to the Business Development Program to provide state dollars to draw federal matching funds from the U.S. Economic Development Administration $ 600,000

Payable out of Federal Funds to the Business Development Program for business recovery efforts $ 2,400,000

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

06-263 OFFICE OF STATE MUSEUM

Payable out of the State General Fund (Direct) to the Museum Program for operating expenses $ 843,264

06-264 OFFICE OF STATE PARKS

Payable out of the State General Fund (Direct) to the Parks and Recreation Program for operating expenses $ 125,000

Payable out of the State General Fund (Direct) to the Parks and Recreation Program for recreational improvements at Bogue Chitto State Park $ 20,000

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

07-276 ENGINEERING AND OPERATIONS

Payable out of the State General Fund (Direct) to the Operations Program to provide pass-through funding for the Port of Lake Charles to perform the Calcasieu Dredged Material Management Plan $ 5,000,000

Payable out of the State General Fund (Direct) to the Operations Program for road improvements in Lafayette Parish $ 1,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

CORRECTIONS SERVICES

08-400 CORRECTIONS–ADMINISTRATION

Payable out of the State General Fund (Direct) to the Office of Management and Finance Program for salaries, other compensation, and related benefits $ 1,354,000

Payable out of the State General Fund (Direct) to the Adult Services Program for other
compensation, related benefits, offender medical
care, and payments to parish clerks of court for each
parish with a state correctional facility  $ 6,855,000
Payable out of the State General Fund (Direct)
to the Board of Pardons and Parole Program for
other compensation  $ 175,000
Payable out of the State General Fund (Direct)
to the Office of Management and Finance Program
for the Allen Parish Clerk of Court for back
payments owed pursuant to R.S. 13:793  $ 24,000
Payable out of the State General Fund (Direct)
to the Adult Services Program for offender
medical expenses  $ 10,000,000

The commissioner of administration is hereby authorized and directed to
adjust the means of finance for the Adult Services Program, as contained
in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by
reducing the appropriation out of the State General Fund by Interagency
Transfers by ($10,000,000).

08-402 LOUISIANA STATE PENITENTIARY
Payable out of the State General Fund (Direct)
to the Administration Program for expenses related
to the office of risk management  $ 247,000
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries, other
compensation, operating services, and supplies  $ 2,538,000
Payable out of the State General Fund (Direct)
to the Incarceration Program to pay outstanding
balance on equipment purchased through the
Installment Purchasing Market program  $ 225,819

08-405 RAYMOND LABORDE CORRECTIONAL CENTER
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries and other
compensation, operating services, supplies, professional services, and
acquisitions  $ 1,281,000
Payable out of the State General Fund by Fees and
Self-generated Revenues to the Auxiliary Account
Program due to increased revenues  $ 240,000

08-406 LOUISIANA CORRECTIONAL INSTITUTE FOR WOMEN
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries and
other compensation, operating services, supplies, professional services, and
acquisitions  $ 1,626,000

08-408 ALLEN CORRECTIONAL CENTER
Payable out of the State General Fund (Direct)
to the Incarceration Program for personnel
services and supplies  $ 1,338,000

08-409 DIXON CORRECTIONAL INSTITUTE
Payable out of the State General Fund (Direct)
to the Administration Program for gas and
 electrical expenses  $ 14,000
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries,
 operating services, supplies, professional services,
 other compensation, and acquisitions  $ 4,801,000
Payable out of the State General Fund (Direct)
to the Incarceration Program to pay outstanding
balance on equipment purchased through the
Installment Purchasing Market program  $ 122,405

08-413 ELYN HUNT CORRECTIONAL CENTER
Payable out of the State General Fund (Direct)
to the Incarceration Program for operating services,
 supplies, and acquisitions  $ 350,000

Payable out of the State General Fund by Fees and
Self-generated Revenues to the Auxiliary Account
Program due to increased revenues  $ 200,000

The commissioner of administration is hereby authorized and directed to
adjust the means of finance for the Administration Program, as contained
in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by
reducing the appropriation out of the State General Fund (Direct) by
($350,000).

08-414 DAVID WADE CORRECTIONAL CENTER
Payable out of the State General Fund (Direct)
to the Administration Program for operating services  $ 101,000
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries, supplies,
professional services, other compensation, and
acquisitions  $ 3,603,000

08-415 ADULT PROBATION AND PAROLE
Payable out of the State General Fund (Direct)
to the Administration and Support Program for
salaries and related benefits  $ 515,000
Payable out of the State General Fund (Direct)
to the Field Services Program for salaries, other
compensation, related benefits, travel, operating
services, supplies, acquisitions, and expenses for
agents’ vehicles and rent in state offices  $ 11,435,000
Payable out of the State General Fund (Direct)
to the Administration and Support Program to pay
outstanding balance on equipment purchased
through the Installment Purchasing Market program  $ 444,562
Payable out of the State General Fund by Interagency Transfers to the Field Services
Program for personal services expenditures  $ 10,000,000

The commissioner of administration is hereby authorized and directed to
adjust the means of finance for the Field Services Program, as contained in Act
No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing
the appropriation out of the State General Fund (Direct) by ($10,000,000).

08-416 B.B. “SIXTY” RAYBURN CORRECTIONAL CENTER
Payable out of the State General Fund (Direct)
to the Incarceration Program for salaries, supplies,
professional services, acquisitions, and major
repairs  $ 2,029,000

PUBLIC SAFETY SERVICES

08-419 OFFICE OF STATE POLICE
Payable out of the State General Fund (Direct)
to the Traffic Enforcement Program for costs
incurred related to emergency response efforts
for natural disasters  $ 2,293,890
Payable out of the State General Fund (Direct)
to the Operational Support Program for crime lab
equipment and software  $ 2,571,250
Payable out of the State General Fund by
Interagency Transfers from the Governor’s Office
of Homeland Security and Emergency Preparedness
to the Operational Support Program for costs
related to the LWIN system  $ 2,004,576
Payable out of the State General Fund (Direct)
to the Operational Support Program for the
Acadiana Criminalistics Lab  $ 190,000
Payable out of the State General Fund (Direct)
to the Operational Support Program for the
purchase of a diesel tank for Troop G  $ 75,000
Payable out of the State General Fund (Direct)
to the Traffic Enforcement Program for operating
expenses and for vehicles  $ 8,558,502

The commissioner of administration is hereby authorized and directed to
adjust the means of finance for the Traffic Enforcement Program, as contained
in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by
reducing the appropriation out of the State General Fund by Statutory
Dedications out of the Riverboat Gaming Enforcement Fund by ($5,253,152).

Payable out of the State General Fund (Direct) to the Operational Support Program for operating expenses $ 5,964,426

Payable out of the State General Fund by Statutory Deductions out of the Office of Motor Vehicles Driver’s License Escrow Fund to the Operational Support Program for operating expenses $ 4,035,574

Payable out of the State General Fund by Statutory Deductions out of the Office of Motor Vehicles Driver’s License Escrow Fund to the Traffic Enhancement Program for operating expenses $ 10,000,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Traffic Enhancement Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Deductions out of the Insurance Verification System Fund by ($10,000,000).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Operational Support Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($10,000,000).

Payable out of the State General Fund by Statutory Deductions out of the Tobacco Tax Health Care Fund to the Operational Support Program to correctly align Means of Finance with the most recent Revenue Estimating Conference (REC) Official Forecast $ 95,689

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Operational Support Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Deductions out of the Riverboat Gaming Enforcement Fund by ($89,689).

Payable out of the State General Fund (Direct) to the Fire Prevention Program for expenditures related to emergency response efforts due to natural disasters $ 429,030

Payable out of the State General Fund (Direct) to the Fire Prevention Program for equipment purchases $ 110,000

**LOUISIANA DEPARTMENT OF HEALTH**

**09-306 MEDICAL VENDOR PAYMENTS**

Payable out of the State General Fund (Direct) to the Payments to Public Providers Program for the Central Louisiana Supports and Services Center $ 1,130,662

Payable out of Federal Funds to the Payments to Public Providers Program for the Central Louisiana Supports and Services Center $ 2,686,610

Payable out of the State General Fund (Direct) to the Payments to Private Providers Program for projected expenditures $ 6,127,988

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Interagency Transfers between ($94,799,683).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($125,698,483).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Deductions out of the New Opportunities Waiver Fund by ($10,596,511).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Deductions out of the Hospital Stabilization Fund by ($14,456,367).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($373,407,227).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Interagency Transfers by ($95,769,663).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($332,487,237).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($355,665).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Deductions out of the Louisiana Medical Assistance Trust Fund by ($63,870,987).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($25,698,483).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($63,870,987).

THE ADVOCATE

* As it appears in the enrolled bill

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The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($36,000,000).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Louisiana Medical Assistance Trust Fund by ($366,158,073).

### 09-307 OFFICE OF THE SECRETARY

Payable out of the State General Fund (Direct)

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>to the Management and Finance Program for disaster-related reimbursements related to Hurricane Delta</td>
<td>$ 189,440</td>
</tr>
<tr>
<td>to the Management and Finance Program for disaster-related reimbursements related to Hurricane Laura</td>
<td>$ 1,859,631</td>
</tr>
<tr>
<td>Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Management and Finance Program for COVID-19 expenditures</td>
<td>$ 1,951,074</td>
</tr>
</tbody>
</table>

### 09-320 OFFICE OF AGING AND ADULT SERVICES

Payable out of the State General Fund (Direct)

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>to the Administration Protection and Support Program for costs related to Hurricane Laura</td>
<td>$ 232</td>
</tr>
<tr>
<td>Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Administration Protection and Support Program for disaster-related expenditure reimbursements</td>
<td>$ 2,090</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Villa Feliciana Medical Complex Program for costs related to Hurricane Laura</td>
<td>$ 4,203</td>
</tr>
<tr>
<td>Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Villa Feliciana Medical Complex Program for disaster-related expenditure reimbursements</td>
<td>$ 37,830</td>
</tr>
</tbody>
</table>

### 09-324 LOUISIANA EMERGENCY RESPONSE NETWORK

Payable out of the State General Fund (Direct)

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>to the Louisiana Emergency Response Network Program for costs related to Hurricane Laura</td>
<td>$ 2,398</td>
</tr>
</tbody>
</table>

### 09-326 OFFICE OF PUBLIC HEALTH

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Public Health Services Program for COVID-19 response efforts

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 9,974,548</td>
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</tr>
<tr>
<td>$ 7,560,188</td>
<td></td>
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<tr>
<td>$ 840,021</td>
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</table>

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by $270,000.

### 09-330 OFFICE OF BEHAVIORAL HEALTH

Payable out of Federal Funds to the Hospital Based Treatment Program for the Zero Suicide initiative

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 125,000</td>
<td></td>
</tr>
</tbody>
</table>

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Hospital Based Treatment Program for reimbursement from the Federal Emergency Management Agency for COVID-19 related expenditures

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 3,514,307</td>
<td></td>
</tr>
<tr>
<td>$ 3,514,307</td>
<td></td>
</tr>
<tr>
<td>$ 270,000</td>
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</table>

Payable out of the State General Fund (Direct) to the Behavioral Health Administration and Community Oversight Program for costs related to Hurricane Laura

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 56,973</td>
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</tbody>
</table>

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Behavioral Health Administration and Community Oversight Program for disaster-related expenditure reimbursements

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 512,753</td>
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</table>

Payable out of the State General Fund (Direct) to the Hospital Based Treatment Program for costs related to Hurricane Laura

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>$ 4,560</td>
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</table>

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Hospital Based Treatment Program for disaster-related expenditure reimbursements

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 41,039</td>
<td></td>
</tr>
</tbody>
</table>

Payable out of the State General Fund by Fees and Self-generated Revenues to the Behavioral Health Administration and Community Oversight Program for the National Suicide Prevention Lifeline 9-8-8 State Planning Grant Initiative

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 116,345</td>
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</tbody>
</table>

* As it appears in the enrolled bill

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CODING: Words in strikethrough type are deletions from existing law; words underlined and bolded (House Bills) and underscored and bolded (Senate Bills) are additions.
The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Unalotted Program by reducing the appropriation out of the State General Fund (Direct) by ($23,359,408).

### Office for Citizens with Developmental Disabilities

**Expenditures:**
- Payable out of the State General Fund by Interagency Transfers from Medical Vendor Payments to the Central Louisiana Supports and Services Program for salaries and related benefits, renovations, equipment, and supplies $3,817,292

**Means of Finance:**
- Payable out of the State General Fund by Fees and Self-generated Revenues to the Governor's Office of Homeland Security and Emergency Preparedness for disaster-related expenditures $1,000,289
- Payable out of the State General Fund (Direct) to the Pinecrest Supports and Services Center Program for costs related to Hurricane Laura $111,143

### Department of Children and Family Services

**Expenditures:**
- Payable out of the State General Fund (Direct) to the Division of Child Welfare to pay outstanding balances on equipment purchased through the Installment Purchasing Market Program $2,011,551

**Means of Finance:**
- Payable out of the State General Fund (Direct) to the Division of Child Welfare for disaster-related expenditures $86,614
- Payable out of the State General Fund by Fees and Self-generated Revenues by ($450,000). to adjust the means of finance for the Office of Environmental Assessment Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund related to the cost of tax adjudication at the Board of Tax Appeals $179,769

### Department of Environmental Quality

**Expenditures:**
- Payable out of the State General Fund by Statutory Dedictions out of the Tobacco Tax Conservation Fund to the Office of Environmental Assessment Program $450,000

**Means of Finance:**
- Payable out of the State General Fund by Fees and Self-generated Revenues to the Tax Collections Program for increased expenses related to the cost of tax adjudication at $1,000,000

### Department of Revenue

**Expenditures:**
- Payable out of the State General Fund by Statutory Dedictions out of the Tobacco Tax Conservation Fund to the Administrative Board of Tax Appeals $179,769

**Means of Finance:**
- Payable out of the State General Fund by Fees and Self-generated Revenues to the Tax Collections Program for increased expenses related to the cost of tax adjudication at $1,000,000

**Expenditures:**
- Payable out of the State General Fund by Statutory Dedictions out of the Tobacco Tax Conservation Fund to the Office of Environmental Assessment Program $450,000

**Means of Finance:**
- Payable out of the State General Fund by Fees and Self-generated Revenues to the Tax Collections Program for increased expenses related to the cost of tax adjudication at $1,000,000

### Department of Warden Services

**Expenditures:**
- Payable out of the State General Fund by Interagency Transfers from the Enforcement Program for overtime charges and equipment use related to security patrols of a gas well emergency incident in the Atchafalaya Delta WMA $95,000
- Payable out of the State General Fund by Statutory Dedictions out of the Conservation Fund to the Administrative Program for legal expenses related to a Law suit over land loss in the Point Aux Chein WMA $212,500

### Department of Civil Service

**Expenditures:**
- Payable out of the State General Fund by Interagency Transfers to the Enforcement Program for anticipated aircraft usage $60,000
- Payable out of the State General Fund by Fees and Self-generated Revenues to the Enforcement Program for overtime charges and equipment use related to security patrols of a gas well emergency incident in the Atchafalaya Delta WMA $95,000
- Payable out of the State General Fund by Statutory Dedictions out of the Conservation Fund to the Administrative Program for legal expenses related to a Law suit over land loss in the Point Aux Chein WMA $212,500
<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana State University - Alexandria</td>
<td>$ 2,002,194</td>
</tr>
<tr>
<td>Louisiana State University - A&amp;M College</td>
<td>$ 20,500,000</td>
</tr>
<tr>
<td>Louisiana State University - Shreveport</td>
<td>$ 9,000,000</td>
</tr>
<tr>
<td>Louisiana State University - Health Sciences Center</td>
<td>$ 19,602,194</td>
</tr>
</tbody>
</table>

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Administrative Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($144,348).

**RETIRED SYSTEMS**

In accordance with Constitution Article VII, Section 10D(2)(b)(iii), funding to the Louisiana State Employees’ Retirement System and the Teachers’ Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system as of June 30, 2020.

**18-585 LOUISIANA STATE EMPLOYEES’ RETIREMENT SYSTEM - CONTRIBUTIONS**

**EXPENDITURES:**
To the Louisiana State Employees’ Retirement System $ 8,430,687

**TOTAL EXPENDITURES** $ 8,430,687

**MEANS OF FINANCE:**
State General Fund (Direct) from the FY 2019-2020 surplus certified by the commissioner of administration at the January 22, 2021, meeting of the Joint Legislative Committee on the Budget $ 8,430,687

**TOTAL MEANS OF FINANCING** $ 8,430,687

**18-586 TEACHERS’ RETIREMENT SYSTEM-CONTRIBUTIONS**

**EXPENDITURES:**
To the Teachers’ Retirement System of Louisiana $ 18,612,744

**TOTAL EXPENDITURES** $ 18,612,744

**MEANS OF FINANCE:**
State General Fund (Direct) from the FY 2019-2020 surplus certified by the commissioner of administration at the January 22, 2021, meeting of the Joint Legislative Committee on the Budget $ 18,612,744

**TOTAL MEANS OF FINANCING** $ 18,612,744

**HIGHER EDUCATION**

**19-671 BOARD OF REGENTS**

1. Payable out of the State General Fund (Direct) to the Office of Student Financial Assistance Program for increased TOPS billings $ 1,600,000
2. Payable out of the State General Fund by Statutory Dedications out of the TOPS Fund to the Office of Student Financial Assistance Program for TOPS awards $ 9,846,209

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Office of Student Financial Assistance Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($340,000).

**19-615 SOUTHERN UNIVERSITY BOARD OF SUPERVISORS**

1. Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the Southern University Board of Supervisors for Louisiana State University Health Sciences Center at Shreveport $ 93,796
2. Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the Southern University Board of Supervisors for the Louisiana State University-A&M College Laboratory School $ 47,845

**19-600 LOUISIANA STATE UNIVERSITY BOARD OF SUPERVISORS**

1. Payable out of the State General Fund by Fees and Self-generated Revenues to the Louisiana State University Board of Supervisors due to changes in enrollment $ 31,602,194
2. Payable out of the State General Fund by Fees and Self-generated Revenues shall be allocated as follows:
   - Louisiana State University - A&M College $ 20,500,000
   - Louisiana State University - Alexandria $ 2,002,194
   - Louisiana State University - Shreveport $ 9,000,000

Provided, however, that the amount appropriated above from Fees and Self-generated Revenues shall be allocated as follows:

- Southern University-Agricultural Research $ 1,475,000
- Southern University-Shreveport $ 100,000
- Southern University-A&M College $ 150,847
- Southern University-Agricultural Center for facility renovations at Camp Grant Walker $ 500,000
- Southern University-Agricultural Center for National Estuarine Research Reserve initiatives $ 600,000
- Southern University-Agricultural Center for National Estuarine Research Reserve initiatives $ 1,600,000
- Southern University-Agricultural Center for facility renovations at the Parker Agricultural Coliseum $ 7,000,000
- Southern University-Agricultural Center for National Estuarine Research Reserve initiatives $ 122,957
- Southern University-Agricultural Center for National Estuarine Research Reserve initiatives $ 93,796
- Southern University-Agricultural Center for National Estuarine Research Reserve initiatives $ 47,845

**EXPENDITURES:**
To the Southern University Board of Supervisors for Pennington Biomedical Research $ 300,000
& Extension Center for United States Department of Agriculture matching grant funds $ 5,000,000

TOTAL EXPENDITURES $ 5,000,000

MEANS OF FINANCE:
State General Fund (Direct) $ 2,500,000
Federal Funds $ 2,500,000

TOTAL MEANS OF FINANCING $ 5,000,000

Payable out of the State General Fund by Fees and Self-generated Revenues to the Board of Supervisors due to changes in enrollment $ 3,857,077

Provided, however, that the amount appropriated above from Fees and Self-generated Revenues shall be allocated as follows:
Southern University - Law Center $ 3,857,077

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Southern University Board of Supervisors for the Agricultural & Mechanical College Laboratory School $ 6,142

19-620 UNIVERSITY OF LOUISIANA BOARD OF SUPERVISORS

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the University of Louisiana Board of Supervisors, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($1,100,000) from Northwestern State University.

19-649 LOUISIANA COMMUNITY AND TECHNICAL COLLEGES BOARD OF SUPERVISORS

Payable out of the State General Fund by Fees and Self-generated Revenues to the Louisiana Community and Technical Colleges Board of Supervisors due to changes in enrollment $ 3,671,000

Provided, however, that the amount appropriated above from Fees and Self-generated Revenues shall be allocated as follows:
Baton Rouge Community College $ 1,650,000
Nunez Community College $ 800,000
Louisiana Delta Community College $ 521,000
Northwest Louisiana Technical Community College $ 700,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Louisiana Community and Technical Colleges Board of Supervisors, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenues by ($7,300,000) due to changes in enrollment.

Provided, however, that the reduction above from Fees and Self-generated Revenues shall be allocated as follows:
Delgado Community College $ (3,000,000)
Bossier Parish Community College $ (2,500,000)
South Louisiana Community College $ (1,000,000)
SOWELA Technical Community College $ (800,000)

Payable out of the State General Fund (Direct) to the Louisiana Community and Technical Colleges Board of Supervisors for deferred maintenance and disaster recovery $ 4,833,000

SPECIAL SCHOOLS AND COMMISSIONS

19-653 LOUISIANA SCHOOLS FOR THE DEAF AND VISUALLY IMPAIRED

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Louisiana School for the Deaf Impaired $ 122

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Louisiana School for the Visually Impaired $ 210

19-657 JIMMY D. LONG, SR. LOUISIANA SCHOOL FOR MATH, SCIENCE, AND THE ARTS

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Living and Learning Community Program $ 1,193

19-658 THRIVE ACADEMY

Payable out of the State General Fund by Interagency Transfers from the Louisiana Department of Education Subgrantee Assistance Program to the Instruction Program for COVID-19 related expenditures $ 69,533

Payable out of the State General Fund by Interagency Transfers from the Department of Education Subgrantee Assistance Program to the Instruction Program for enhanced services $ 55,435

Payable out of the State General Fund by Interagency Transfers from the Minimum Foundation Program to the Instruction Program for personal services, supplies, and operating services $ 193,709

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Instruction Program $ 814

19-662 LOUISIANA EDUCATIONAL TELEVISION AUTHORITY

Payable out of the State General Fund (Direct) to the Broadcasting Program for the KPLA water system $ 50,000

Payable out of the State General Fund (Direct) to the Broadcasting Program for COVID-19 related expenses $ 200,000

Payable out of the State General Fund (Direct) to the Broadcasting Program for expenses related to equipment repair, replacement and maintenance $ 1,448,125

19-673 NEW ORLEANS CENTER FOR THE CREATIVE ARTS

Payable out of the State General Fund by Interagency Transfers from the Minimum Foundation Program to the Instruction Program for supplies and operating expenses $ 169,595

Payable out of the State General Fund by Interagency Transfers from the Department of Education to the Instruction Program for supplies $ 82,000

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Instruction Program $ 1,309

DEPARTMENT OF EDUCATION

19-678 STATE ACTIVITIES

Payable out of the State General Fund by Interagency Transfers from the Division of Administration from the Governor's Emergency Education Relief Fund to the District Support Program for preventing, preparing for, and responding to COVID-19 $ 2,850,000

Payable out of Federal Funds from the Governor's Emergency Education Relief Fund to the District Support Program for providing Emergency Assistance to Non-public Schools grants $ 20,556,623

Payable out of Federal Funds from the Child Care and Development Fund provided in the Consolidated Appropriations Act, 2021, P.L. 116-260, to the District Support Program for COVID-19 related assistance to child care providers and families $ 27,615,000

Payable out of the State General Fund (Direct) to the District Support Program due to lost revenues $ 275,000

Payable out of the State General Fund (Direct) to the Administrative Support Program for the CYBER.ORG cyber range project $ 2,000,000

THE ADVOCATE PAGE 8

* As it appears in the enrolled bill

CODING: Words in strke through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
The commissioner of administration is hereby authorized and directed to adjust the means of finance for the District Support Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Litter Abatement and Education Account by ($275,000).

Payable out of the State General Fund (Direct) to the District Support Program for revenue shortfalls  $ 1,332,409

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the District Support Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Interagency Transfers by ($1,332,409).

19-681 SUBGRANTEE ASSISTANCE
Payable out of Federal Funds from the Child Care and Development Fund provided in the Consolidated Appropriations Act, 2021, P.L. 116-260, to the Federal Support Program for COVID-19 related assistance to child care providers and families  $ 51,821,000

Payable out of the State General Fund (Direct) to the Non Federal Support Program for Teach for America, Inc. for teacher recruitment and placement in teacher shortage areas  $ 500,000

Payable out of the State General Fund (Direct) to the Non Federal Support Program for Pointe-Aux-Chenes Elementary School operating expenses  $ 1,000,000

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Non Federal Support Program for prekindergarten through twelfth grade instructional enhancement for students  $ 3,558,528

19-682 RECOVERY SCHOOL DISTRICT
Payable out of the State General Fund by Interagency Transfers from the Minimum Foundation Program to the Instruction Program for increased costs  $ 1,749,705

19-695 MINIMUM FOUNDATION PROGRAM
Payable out of the State General Fund by Statutory Dedications out of the Support Education in Louisiana First (SELF) Fund to the Minimum Foundation Program to utilize an available fund balance  $ 10,354,751

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Minimum Foundation Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($10,354,751).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Minimum Foundation Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Lottery Proceeds Fund by ($75,959,315).

19-610 LOUISIANA STATE UNIVERSITY HEALTH SCIENCES CENTER HEALTH CARE SERVICES DIVISION
Payable out of the State General Fund by Fees and Self-generated Revenues to the Lallie Kemp Regional Medical Center Program for patient care  $ 4,357,746

OTHER REQUIREMENTS
20-451 LOCAL HOUSING OF STATE ADULT OFFENDERS
Payable out of the State General Fund (Direct) to the Local Housing of Adult Offenders Program for housing offenders  $ 34,688,000

Payable out of the State General Fund (Direct)

THE ADVOCATE * As it appears in the enrolled bill
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable out of the State General Fund (Direct) to the town of Jean Lafitte for the Jean Lafitte Seafood Festival</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Ponchatoula Police Department for equipment</td>
<td>$ 70,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Ponchatoula for recreational improvements</td>
<td>$ 60,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Ponchatoula for pavilion construction</td>
<td>$ 70,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Ponchatoula for the restoration of a locomotive and structural repair at Collinswood Museum</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Iowa Police Department for hurricane response equipment</td>
<td>$ 30,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Calcasieu Parish Ward 8 Fire District #1 for a truck replacement</td>
<td>$ 40,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Jefferson Davis Fire District #1 for fire station hurricane repairs</td>
<td>$ 30,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Elton for road repair</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Jefferson Davis Police Jury for road repair</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Opelousas for infrastructure and economic development</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the town of Sunset for infrastructure and economic development</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the town of Washington for infrastructure and economic development</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for senior, economic, and community activities in Council District No. 3</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Recreation and Park Commission for the Parish of East Baton Rouge for Greenwood Park and Baton Rouge Zoo facility improvements</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Zachary for recreational improvements</td>
<td>$ 20,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Erath for a utility substation</td>
<td>$ 400,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Oberlin for emergency road repairs</td>
<td>$ 126,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Allen Parish Police Jury for emergency road repairs</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Finding Our Roots African American Museum for operating expenses</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the MidCity Baptist Community Fellowship</td>
<td>$ 250,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Ouachita African American Historical Society for roof repairs to the Northeast Louisiana Delta African American Heritage Museum</td>
<td>$ 50,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Louisiana Center Against Poverty, Inc.</td>
<td>$ 200,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Richland Parish Police Jury for emergency road repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the East Carroll Parish Police Jury for emergency road repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Madison Parish Police Jury for emergency road repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the West Carroll Police Jury for emergency road repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Morehouse Parish Police Jury for emergency road repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Ascension Parish Sheriff's Office for body cameras</td>
<td>$ 110,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Geismar Volunteer Fire Department for equipment</td>
<td>$ 30,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for repaving the Highway 107 115 Cutoff</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Pontchartrain Conservancy for a water quality program and the New Canal Lighthouse Museum and Education Center</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for cooling fans at LaSalle Park</td>
<td>$ 60,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the city of Harahan for a sewer cover rehabilitation project</td>
<td>$ 50,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for the Lafreniere rehabilitation project</td>
<td>$ 40,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Rapides Parish Sheriff's Office for equipment and renovations at Hinson substation</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Bossier City Fire Department for equipment</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Bossier Parish Police Jury for recreational improvements</td>
<td>$ 50,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Bossier Parish Police Jury for the Save 537 Coalition Engineering Report</td>
<td>$ 25,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the St. George Fire Protection District for capital improvements</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Second Harvest Food Bank of Greater New Orleans and Acadiana for operating expenses</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the town of Jackson for fire station roof repairs</td>
<td>$ 40,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Clinton for equipment and repairs</td>
<td>$ 40,000</td>
</tr>
<tr>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the village of Wilson for building renovations</td>
<td>$20,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the village of Norwood for water upgrades</td>
<td>$20,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of St. Francisville for town hall repairs</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Slaughter for road and drainage improvements</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the city of Zachary for recreational facility improvements</td>
<td>$50,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the St. Helena Police Jury for St. Helena Parish courthouse repairs</td>
<td>$75,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Algiers Economic Development Foundation for the Algiers Career and Educational Development Program</td>
<td>$75,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for recreational infrastructure in Council District No. 3</td>
<td>$75,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Algiers Development District for technical enhancements to the historic Algiers courthouse</td>
<td>$75,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Baker Economic Development District and Convention Center</td>
<td>$30,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to Jefferson Parish for the fire training center</td>
<td>$400,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Greater Baton Rouge Economic Partnership for the air service incentive fund for Baton Rouge Metropolitan Airport</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Winn Parish Police Jury for road repairs</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Mary Bird Perkins Cancer Center for equipment</td>
<td>$500,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the East Baton Rouge Parish Sheriff’s Office for construction of a training facility</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the town of Stonewall for road improvements</td>
<td>$400,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Sabine Parish Police Jury for recreational infrastructure</td>
<td>$200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Caddo Parish Commission for recreational improvements</td>
<td>$100,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the town of Logansport for facility upgrades</td>
<td>$60,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the village of Grand Cane for renovation of historic buildings</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

**Vetoed--June 9, 2021** /s/ John Bel Edwards

Gov. of La.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable out of the State General Fund (Direct) to the Desoto Parish Police Jury for road repairs</td>
<td>$200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the City of Rayne for MLK Center construction</td>
<td>$200,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Acadia Parish Police Jury for upgrades at Le Gros Memorial Airport</td>
<td>$125,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Crowley Fire Department for fire station renovations</td>
<td>$125,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the city of Crowley for building renovations, equipment, and recreational improvements</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Acadia Parish Police Jury for fire protection equipment</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Village of Morse for water meter upgrades and police equipment</td>
<td>$65,000</td>
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<tr>
<td>Payable out of the State General Fund (Direct) to the Village of Estherwood for equipment and police equipment</td>
<td>$70,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Village of Mermentau for equipment and police equipment</td>
<td>$50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Village of Mermentau for equipment and police equipment</td>
<td>$50,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Village of Assumption Parish for the repaving of Lee Drive</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to St. John the Baptist Parish for infrastructure and repairs</td>
<td>$190,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to St. Charles Parish for drainage improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to St. Charles Parish for infrastructure improvements</td>
<td>$260,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to St. Martin Parish for land acquisition</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Alexandria for water well replacement</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Brown Park Association for recreational improvements</td>
<td>$500,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Community Foundation of Acadiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the Lafayette Consolidated Government for Ambassador Caffery/Kaliste Saloom road construction</td>
<td>$500,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Broussard for La Neuvelle Road overlay project</td>
<td>$250,000</td>
</tr>
<tr>
<td>Payable out of the State General Fund (Direct) to the city of Youngsville for recreational improvements</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

* As it appears in the enrolled bill

**CODING:** Words in *italics* type are deletions from existing law; words underlined and *italicized* (House Bills) and underlined and **boldfaced** (Senate Bills) are additions.
| Payable out of the State General Fund (Direct) to the Denham Springs Drainage District No. 1 for equipment | $ 200,000 |
| Payable out of the State General Fund (Direct) to STEM NOLA | $ 100,000 |
| Payable out of the State General Fund (Direct) to the Washington Parish Fair Association for fairground repairs from tornado damage | $ 30,000 |
| Payable out of the State General Fund (Direct) to the city of Bogalusa for recreational infrastructure | $ 15,000 |
| Payable out of the State General Fund (Direct) to the Bogalusa YMCA for repairs and equipment upgrades | $ 10,000 |
| Payable out of the State General Fund (Direct) to the Terrebonne Parish Consolidated Government for economic development construction projects in downtown Houma | $ 900,000 |
| Payable out of the State General Fund (Direct) to the city of Ruston for improvements to Industrial Park | $ 300,000 |
| Payable out of the State General Fund (Direct) to the Lincoln Parish Fire Protection District #1 for building improvements | $ 200,000 |
| Payable out of the State General Fund (Direct) to the Union Parish Policy Jury for courthouse elevator repairs | $ 130,000 |
| Payable out of the State General Fund (Direct) to the city of Ruston for city hall upgrades | $ 400,000 |
| Payable out of the State General Fund (Direct) to the Washington Parish School Board for refurbishing school property | $ 500,000 |
| Payable out of the State General Fund (Direct) to the city of Tallulah for water and sewer infrastructure | $ 50,000 |
| Payable out of the State General Fund (Direct) to the village of Kilbourne for water and sewer infrastructure | $ 25,000 |
| Payable out of the State General Fund (Direct) to the village of Epps for water and sewer infrastructure | $ 25,000 |
| Payable out of the State General Fund (Direct) to the town of Oak Grove for water and sewer infrastructure and theater repair | $ 50,000 |
| Payable out of the State General Fund (Direct) to the town of Lake Providence for water and sewer infrastructure and road repairs | $ 50,000 |
| Payable out of the State General Fund (Direct) to the town of Delhi for water and sewer infrastructure and road repairs | $ 50,000 |
| Payable out of the State General Fund (Direct) to the town of Rayville for water and sewer infrastructure and road repairs | $ 250,000 |
| Payable out of the State General Fund (Direct) to Pointe Coupee Parish for Richfield Subdivision drainage improvements | $ 183,000 |
| Payable out of the State General Fund (Direct) to Pointe Coupee Parish for parish courthouse repairs | $ 317,000 |
| Payable out of the State General Fund (Direct) to St. James Parish for erosion mitigation and drainage improvements | $ 250,000 |
| Payable out of the State General Fund (Direct) to the St. John Parish the Baptist Sheriff’s Office for equipment and safety improvements | $ 100,000 |
| Payable out of the State General Fund (Direct) to the Creole House Museum for storm repairs | $ 100,000 |
| Payable out of the State General Fund (Direct) to Ascension Parish for the utility substation on Diversion Canal | $ 300,000 |
| Payable out of the State General Fund (Direct) to the St. James Parish Sheriff’s Office for emergency preparedness upgrades | $ 65,000 |
| Payable out of the State General Fund (Direct) to the Port Vincent Police Department for facility upgrades | $ 100,000 |
| Payable out of the State General Fund (Direct) to the Springfield Police Department for facility upgrades | $ 100,000 |
| Payable out of the State General Fund (Direct) to the Friends of the South Louisiana Wetlands Discovery Foundation for the South Louisiana Wetlands Discovery Center | $ 300,000 |
| Payable out of the State General Fund (Direct) to Acadia Parish for Hains Road improvements | $ 417,500 |
| Payable out of the State General Fund (Direct) to City of Kenner for Lincoln Manor drainage improvements | $ 417,500 |
| Payable out of the State General Fund (Direct) to Terrebonne Parish for the Terrebonne Sports Complex | $ 500,000 |

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Municipal Police Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($250,000).

20-966 SUPPLEMENTAL PAYMENTS TO LAW ENFORCEMENT PERSONNEL

| Payable out of the State General Fund (Direct) to the Fire Fighters Program for payments to eligible recipients | $ 1,000,000 |

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Municipal Police Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by ($250,000).

20-XXX FUNDS

| Payable out of the State General Fund (Direct) to the Administrative Program | $ 42,945 |

The state treasurer is hereby authorized and directed to transfer $42,945 from the State General Fund (Direct) into the Self-Insurance Fund.

ANCILLARY APPROPRIATIONS

| Payable out of the State General Fund by Fees and Self-generated Revenues to the Risk Management Program for survivor benefits claims | $ 1,000,000 |

The state treasurer is hereby authorized and directed to transfer $1,000,000 from the State General Fund (Direct) into the Self-Insurance Fund.
CODING: Words in *italics* type are additions to existing law; words in **boldface** type are deletions from existing law; words underlined and scored (House Bills) and underscored and scored (Senate Bills) are additions.

To amend and reenact Code of Criminal Procedure Article 401(A) (introductory paragraph) and (5), relative to qualifications of jurors; to provide relative to the authority of certain persons under indictment or order of imprisonment or on probation or parole to serve on a jury; and to provide for related matters. 

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 401(A)(introductory paragraph) and (5) are hereby amended and reenacted to read as follows: 

Art. 401. General qualifications of jurors

A. In order to qualify to serve as a juror, a person must shall meet all of the following requirements:

* * *

(5) Not be under indictment, incarcerated under an order of imprisonment, or on probation or parole for a felony nor have been convicted of a felony for which he has not been pardoned by the governor offense within the five-year period immediately preceding the person's jury service.

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 122

* * *

HOUSE BILL NO. 145

BY REPRESENTATIVE BRYANT AND SENATORS BOUDREAUX AND FRED MILLS

AN ACT

To amend and reenact R.S. 15:574.4(A)(2) and (B)(1) and to enact R.S. 15:574.4(A)(6), relative to parole; to provide relative to parole eligibility; to provide relative to the parole eligibility of persons convicted of certain crimes; to provide relative to the parole eligibility of persons serving certain terms of imprisonment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(A)(2) and (B)(1) are hereby amended and reenacted and R.S. 15:574.4(A)(6) is hereby enacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

A. * * *

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, unless eligible for parole at an earlier date, a prisoner committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for thirty years or more shall be eligible for parole consideration upon serving at least twenty years of the term or terms of imprisonment in actual custody and upon reaching the age of forty-five. This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted under the provisions of R.S. 14:64. The provisions of this Paragraph shall not apply to anyone who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 when the offense was committed on or after August 1, 2014.

(6)(a) Notwithstanding the provisions of Paragraph (A)(1) or Subsection B of this Section or of any provision of law to the contrary, a person committed to the Department of Public Safety and Corrections shall be eligible for parole consideration upon serving fifteen years in actual custody if all of the following conditions are met:

(i) The person was not eligible for parole consideration at an earlier date.

(ii) The person was sentenced to life imprisonment without parole, probation, or suspension of sentence after being convicted of a third or subsequent felony offense under R.S. 15:529.1 for the instant offense.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to a prisoner who meets any of the following criteria:

(i) The instant conviction is a crime of violence under R.S. 14:2(B).

(ii) The instant conviction or any prior conviction, whether or not that prior conviction was used in the habitual offender conviction under R.S. 15:529.1, is both a crime of violence under R.S. 14:2(B) and a sex offense under R.S. 15:541.

(iii) The person would still qualify for a sentence of life imprisonment without parole, probation, or suspension of sentence as a third or subsequent offense under R.S. 15:529.1 as it was amended by Acts Nos. 257 and 282 of the 2017 Regular Session of the Legislature.

B. (1) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. Except as provided in Paragraph (2) of this Subsection, and except as provided in Paragraph (A)(3) and Subsections D, E, and F of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner. Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least sixty-five percent of the
sentence imposed, before being eligible for parole. The victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

* * *

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 123

HOUSE BILL NO. 216
BY REPRESENTATIVE DUPLESSIS
AN ACT

To enact R.S. 13:1505.3(C), relative to court fees; to temporarily suspend all juvenile court fees, costs, and taxes associated with juvenile delinquency cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1505.3(C) is hereby enacted to read as follows:
§1505.3. Fees; enumeration

C. Notwithstanding any other provision of law to the contrary, from July 1, 2021, until June 30, 2026, no court exercising juvenile jurisdiction in any parish in the state of Louisiana shall tax or assess costs in a juvenile delinquency proceeding against any juvenile delinquent or defendant, or the parents or guardians of the juvenile delinquent or defendant, for any judicial expenses or to cover any operating expenses of the court, including but not limited to any salaries of court personnel, the establishment or maintenance of a law library for the court, or the purchase or maintenance of any type of equipment or supplies, provided by R.S. 15:910, 1086, 1093, 1094.7 and 1097.7, R.S. 47:299.1, Children's Code Articles 320, 321, 335, 405, 607, 774, 781.1, 783, 793.4, 809, 811.2, 839, 846, 866, 886, 896, 897, 899, 901.1, and 924, and Code of Criminal Procedure Article 894(B).

Section 2. The provisions of this Act shall not be applicable to the enforcement of fines or restitution in juvenile delinquency cases.

Section 3. The Louisiana Supreme Court shall distribute copies of this Act to all Louisiana courts no later than July 1, 2021.Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 124

HOUSE BILL NO. 232
BY REPRESENTATIVES MARINO AND JAMES
AN ACT

To amend and reenact Code of Criminal Procedure Article 894(B)(2), relative to suspension and deferral of sentence and probation in misdemeanor cases; to provide relative to discharge and dismissal of prosecutions; to remove the restriction that discharge and dismissal may occur only once during a five-year period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 894(B)(2) is hereby amended and reenacted to read as follows:
Art. 894. Suspension and deferral of sentence; probation in misdemeanor cases

* * *

B. * * *

(2) The dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a prior offense and provide the basis for subsequent prosecution of the party as a multiple offender. Discharge and dismissal under this provision may occur only once with respect to any person during a five-year period. Except as provided in Subparagraph (3) of this Paragraph, discharge Discharge and dismissal under this provision for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a ten-year period.

* * *

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 125

HOUSE BILL NO. 248
BY REPRESENTATIVE JAMES
AN ACT

To amend and reenact Code of Criminal Procedure Article 895.1(C) and R.S. 15:574.4.2(A)(2)(e), relative to fees for probation and parole supervision; to provide for a decrease in the fees for defendants on unsupervised probation and parolees on inactive status; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 895.1(C) is hereby amended and reenacted to read as follows:

Art. 895.1. Probation; restitution; judgment for restitution; fees

C. (1) When the court places the defendant on supervised probation, it shall order as a condition of probation a monthly fee of not less than sixty nor more than one hundred ten dollars payable to the Department of Public Safety and Corrections or such other probation office, agency, or officer as designated by the court, to defray the cost of supervision which includes salaries for probation and parole officers. If the probation supervision services are rendered by an agency other than the department, the fee may be ordered payable to that agency. These fees are only to supplement the level of funds that would ordinarily be available from regular state appropriations or any other source of funding.

(2) When the court places the defendant on unsupervised probation, it shall order as a condition of probation a monthly fee of not more than one dollar payable to the Department of Public Safety and Corrections or such other probation office, agency, or officer as designated by the court.

Section 2. R.S. 15:574.4.2(A)(2)(e) is hereby amended and reenacted to read as follows:
§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; rules of conduct; infectious disease testing

A. * * *

(2) The committee may also require, either at the time of his release on parole or at any time while he remains on parole, that he conform to any of the following conditions of parole which are deemed appropriate to the circumstances of the particular case:

* * *

(e) Pay supervision fees to the Department of Public Safety and Corrections in an amount not to exceed sixty-three dollars based upon his ability to pay as determined by the committee on parole. A parolee placed on inactive status, as provided for in R.S. 15:574.7(E)(2), shall only be required to pay a supervision fee in an amount not to exceed one dollar. Supervision fee payments are due on the first day of each month and may be used to defray the cost of supervision which includes salaries for probation and parole officers.

* * *

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill
to a partner organization or transportation of the child to a child advocacy center when the child is unable to be placed with a family member.

The council shall require in-service training of law enforcement officers receive annual training as mandatory reporters of child abuse or neglect in accordance with Children's Code Article 609.

C. The council shall work in conjunction with and receive input from appropriate non-governmental organizations and other relevant organizations that are invested in the rights of children with incarcerated parents to develop and establish the guidelines and training program required by this Section.

D. Nothing in this Section shall preclude a law enforcement officer's responsibility as a mandatory reporter to report suspected child abuse or neglect in accordance with Children's Code Article 609.

Section 2. Code of Criminal Procedure Article 223 is hereby enacted to read as follows:

A. A state or local law enforcement officer who arrests a person shall, at the time of the arrest, do all of the following if practicable:

1. Inquire whether the person is a parent or guardian of a minor or dependent child under the care, custody, or control of the arrested person at the time of the arrest, who may be at risk as a result of the arrest.

2. Ascertain whether a child is present, relying on all available information including any information received from emergency call operators and any indications at the scene of arrest that a child may be present or at another location.

3. Permit an arrested person a reasonable opportunity, including providing access to telephone numbers stored in a mobile telephone or other location, to make alternate arrangements for the care of a child under his care, custody, or control, including a child who is not present at the scene of the arrest, and to provide a partner organization with contact information of a preferred alternate caregiver.

4. Provide an arrested person the opportunity to speak with a child who is present, prior to such caregiver being transported to a police facility. If such an opportunity is not practicable, having a police officer explain to such child, using age appropriate language, that such child did nothing wrong and that the child will be safe and cared for.

5. Make reasonable efforts to ensure the safety of minor or dependent children at risk as a result of an arrest in accordance with guidelines established pursuant to R.S. 40:4406.9.

B. Law enforcement officers are not required to adhere to the guidelines of Subsection A of this Section if any of the following circumstances are present:

1. The arrested caregiver presents a threat of serious bodily injury or death to the child or to another person.

2. The arrested caregiver is in the act of committing a crime of violence as defined in R.S. 14:2B.

3. The law enforcement officer has exercised due diligence, based on all available information, and ascertains that no minor children are under the arrested person's care, custody, or control.

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 127

HOUSE BILL NO. 378

BY REPRESENTATIVES JENKINS, BRASS, BRYANT, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, GLOVER, GREEN, HUGHES, INFANTE, JONES, LANDRY, LABRAVAIN, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELDERS

AN ACT

To amend and reenact R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1), (2), and (3)(b) and to enact R.S. 18:102(C), relative to registration and voting; to provide relative to registration and voting by a person with a felony conviction; to provide to relative to the suspension of registration and voting rights of such a person; to provide relative to reports to election officials concerning such persons; to provide relative to the duties of registrars of voters and parish such information received from the Department of Public Safety and Corrections regarding a person convicted of a felony to a registrar of voters, if available, including any information received from emergency call operators and any indications at the scene of arrest that a child may be present or at another location.

C. For purposes of this Chapter, “incarcerated pursuant to the order” means actual confinement in a correctional facility pursuant to the order of imprisonment, including confinement after conviction but prior to sentencing for which the person is given credit in the order and confinement following revocation of probation or parole. “Incarcerated pursuant to the order” does not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

$171. Report of convictions of felony

A. The clerk of a court having jurisdiction over a criminal proceeding shall record in the minute book in his office each conviction of a felony for which there is an order of imprisonment and for which the person is incarcerated pursuant to the order and the name, aliases, date of birth, sex, and address of the person subject to the conviction. This recordation shall be made immediately after the judgment is signed.

B. The secretary of the Department of Public Safety and Corrections regarding persons with a felony conviction to a registrar of voters, if available, including the convicted felon's date of birth, driver's license number, address, and mother's maiden name, and the type of felony offense, and whether the conviction resulted in an order of imprisonment pursuant to which the person is incarcerated.

C. If requested, the secretary shall provide information as follows:

1. The person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense pursuant to R.S. 18:1461 and whether the person has been incarcerated pursuant to the order within the last five years.

D. If requested, the sheriff and district attorney shall provide information as follows:

1. The person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense pursuant to R.S. 18:1461 and whether the person has been incarcerated pursuant to the order within the last five years.

$171.1. Conviction of felony in federal court; notification

A.1 Each United States attorney shall give written notice to the secretary of the Department of Public Safety and Corrections regarding persons with a felony conviction in a district court of the United States for which there is an order of imprisonment in a district court of the United States for which the individual has been granted parole or is released from confinement by the Department of Public Safety and Corrections regarding persons with a felony conviction in a district court of the United States for which the individual has been granted parole or is released from confinement by the Department of Public Safety and Corrections.

$176. Suspension and cancellation of registration and challenge of unlawful registration

A. The registrar shall send a notice to each person listed on a report received pursuant to R.S. 18:171 and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment is ineligible to register or vote pursuant to R.S. 18:102(A)(1).

THE ADVOCATE
(3) In the year of implementation of a reappraisal as required in Subparagraph (1) of this Paragraph, solely for purposes of determining the ad valorem tax imposed on residential property subject to the homestead exemption as provided in Section 20 of this Article, the increase in the assessed value of residential immovable property in Orleans Parish shall not exceed ten percent of the property's assessed value in the previous year, which shall be the adjusted assessed value. In each year thereafter, the amount of the assessed value shall increase by no more than ten percent of the previous year's adjusted assessed value. The adjusted assessed value shall never exceed the assessed value determined by the most recent reappraisal.

(b) if the registrant fails to appear within the required twenty-one days, the registrar shall suspend the registration in the state voter registration computer system and, if necessary, by drawing in red ink a line through the registrant's name on the precint register and the duplicate precinct register. Such line shall be initialed by the registrar or employee of the registrar. The registrar shall note in the registrant's information on the state voter registration computer system and, if the original application is available in hard copy in the registrar's office, on the original application for registration that the registrant has been notified of an order of imprisonment for conviction of a felony for which there is an order of imprisonment which makes the registrant ineligible to register or vote pursuant to R.S. 18:102(A)(1) and he shall note also the date of the suspension and the date of the report, when applicable. If the original application is available in hard copy in the registrar's office, the registrar shall remove the original application from his file of eligible voters and shall place it in his suspension file. In addition, each person whose registration is suspended under this Subsection shall immediately be notified of the suspension and the reason therefor.

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

Approved by the Governor, June 10, 2021.

A true copy :

R. Kyle Ardoin
Secretary of State

ACT No. 128

BY REPRESENTATIVES SELDERS, BRASS, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, COX, DESHOTEL, DUPLESSIS, FRANK, GAINES, GLOVER, GREEN, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN, LANDRY, LARVADAINE, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, THOMPSON, WHITE, AND WILLLARD AND SENATORS BARROW, BOUDREAUX, BOUJE, CARTER, FIELDS, HARRIS, JACKSON, MCMATH, FRED MILLS, PETERSON, PRICE, SMITH, TALBOT, AND TAVER

AN ACT

To enact R.S. 1:55.1, relative to legal holidays; to provide that June of 2022 shall be a legal state holiday; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:55.1 is hereby enacted to read as follows:

§55.1. Days of public rest. June of 2022

The third Saturday in June, June of 2022, shall be a day of public rest and a legal holiday.

Approved by the Governor, June 10, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 129

BY REPRESENTATIVES WILLARD, HILFERTY, AND LANDRY

A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(F)(2)(a) introductory paragraph and to add Article VII, Section 18(F)(3) of the Constitution of Louisiana, relative to ad valorem taxation; to limit the amount of an increase in the assessed value of certain property following reappraisal in Orleans Parish; to provide for certain limitations; to provide for an effective date; to provide for submission of the proposed amendment to the electorate; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electorate of the state of Louisiana, for approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 18(F)(2)(a) introductory paragraph and to add Article VII, Section 18(F)(3) of the Constitution of Louisiana, to read as follows:

§18. Ad Valorem Taxes

Section 18.

(F) Reappraisal.

* * *

(2)(a) Except as provided for in Subparagraph (3) of this Paragraph, in the year of implementation of a reappraisal as required in Subparagraph (1) of this Paragraph, solely for purposes of determining the ad valorem tax imposed on residential property subject to the homestead exemption as provided in Section 20 of this Article, if the assessed value of immovable property increases by an amount which is greater than fifty percent of the property's assessed value in the previous year, the collector shall phase in the additional tax liability resulting from the increase in the property's assessed value over a four-year period as follows:

* * *

THE ADVOCATE

* As it appears in the enrolled bill

ACT No. 130

BY REPRESENTATIVES ZERINGUE AND THOMPSON

A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10(1B), 10(8B), 10(11D), and 14(1B) of the Constitution of Louisiana, to modify the maximum amount of monies in certain state funds that may be invested in equities; to provide for submission of the proposed amendment to the electorate; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electorate of the state of Louisiana, for approval or rejection in the manner provided by law, a proposal to amend Article VII, Sections 10(1B), 10(8B), 10(11D), and 14(1B) of the Constitution of Louisiana, to read as follows:

§10.1. Quality Trust Fund; Education

* * *

(B) Investment. The money credited to the Permanent Trust Fund pursuant to Paragraph (A) of this Section shall be permanently credited to the Permanent Trust Fund and shall be invested in the discretion of the treasurer. Notwithstanding any provision of this constitution or other law to the contrary, a portion of money in the Permanent Trust Fund, not to exceed thirty-five percent, may be invested in stocks. The legislature shall provide for procedures for the investment of such monies by law. The treasurer shall contract, subject to the approval of the State Bond Commission, for the management of such investments. The amounts in the Support Fund shall be available for appropriation to pay expenses incurred in the investment and management of the Permanent Trust Fund and for educational purposes only as provided in Paragraphs (C) and (D) of this Section.

* * *

§10.8. Millennium Trust

* * *

(B) Investment. Monies credited to the Millennium Trust pursuant to
Section 1.  Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each body as apportioned shall be deposited in the fund. The treasurer shall prepare and submit to the department on a quarterly basis a written report showing the amount of money contained in the fund from all sources.

§14 Donation, Loan, or Pledge of Public Credit

(D)  The monies in the fund shall be invested by the treasurer in the manner provided by law. Notwithstanding any provision of this constitution to the contrary, a portion of money in the fund, not to exceed sixty-five percent, may be invested in stock. All interest earned on monies invested by the treasurer shall be deposited in the fund. The treasurer shall prepare and submit to the department on a quarterly basis a written report showing the amount of money contained in the fund from all sources.

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The words "codified (House Bills) and underscored and boldfaced (Senate Bills) are additions." are added.
Louisiana, which proposition shall read as follows:

the state shall be permitted to vote YES or NO, to amend the Constitution of
the election, there shall be printed a proposition, upon which the electors of
the state of Louisiana at the statewide
election to be held on October 9, 2021. If the Act which originated as Senate Bill No. 149
submitted to the electors of the state of Louisiana at the statewide
election to be held on October 9, 2021. May any law levying a tax
on all property not exempt from taxation situated within the alluvial portions of the district subject to overflow. However, such a district shall not levy such a tax nor increase the rate of such a tax unless the levy or the increase is approved by a majority of the electors voting thereon in an election held for that purpose. If the district is comprised of territory in more than one parish, approval by a majority of the electors who vote in each parish comprising the district is also required for any such levy or increase.

Section 3. Be it further resolved that on the official ballot to be used at said
election there shall be printed a proposition, upon which the electors of the state
of Louisiana, which proposition shall read as follows:

Do you support an amendment to allow levee districts created after January 1, 2006, whose electors approve the amendment to provide levee drainage, flood protection? (Amends Article VI, Section 39) A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 132

SENATE BILL NO. 154

BY SENATOR SMITH AND REPRESENTATIVES BOURRIEAU, FARNUM, HUGHES, MCAHEN, MINCEY, ORGERON AND WRIGHT

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, relative to ad valorem property tax millage rate adjustments; to provide for maximum authorized millage rates; and to specify an election for submission of the proposition to electors and to provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 23(C) of the Constitution of Louisiana, and that proposition shall be as follows:

§23. Adjustment of Ad Valorem Tax Millages

(C) Increases Permitted. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 18 and 20 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (1) levying additional or increased millages as provided by law or (2) placing additional property on the tax rolls. Increases in the millage rate in excess of the rates established as provided by Paragraph (B) of this Section but not in excess of the prescribed maximum authorized millage rate approved by this constitution and approved by the taxing authority until the authorized millage rate expires may be levied by two-thirds vote of the total membership of a taxing authority without further voter approval but only upon public notice in the newspaper in which the hearing held in accordance with the open meetings law. However, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Said public notice shall be published in the official newspaper of the taxing authority, and another newspaper with a larger circulation within the taxing authority than the official journal of the taxing authority, if there is one.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2022.

Section 3. Be it further resolved that on the official ballot to be used at said

election there shall be printed a proposition, upon which the electors of the state
of Louisiana, which proposition shall read as follows:

Do you support an amendment to allow the levying of a lower millage rate by a local taxing authority while maintaining the authority's ability to adjust
to the current authorized millage rate? (Amend Article VII, Section 23(C))
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 134

SENATE BILL NO. 159
BY SENATORS ALLAIN AND JOHNS AND REPRESENTATIVE BISHOP
A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) of the Constitution of Louisiana, relative to income tax; to provide for a maximum rate of individual income tax; to provide with respect to the deductibility of federal income tax for purposes of computing state income tax; to eliminate the mandatory deduction for federal income taxes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 4(A) of the Constitution of Louisiana, to read as follows:

§4. Income Tax; Severance Tax; Political Subdivisions
Section 4(A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the maximum state individual and joint income tax schedule of rates and brackets shall never exceed the rates and brackets set forth in Title 27 of the Louisiana Revised Statutes on January 1, 2003.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 9, 2021.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to lower the maximum allowable rate of individual income tax and to authorize the legislature to provide by law for a deduction for federal income taxes paid? (Amends Article VII, Section 4(A))
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 135

HOUSE BILL NO. 13
BY REPRESENTATIVE VILLO
AN ACT

To amend and reenact R.S. 11:2001(B)(5), relative to the board of trustees of the Registrars of Voters Employees' Retirement System; to provide for the investment of monies in the fund to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Section 1. R.S. 11:2001(B)(5) is hereby amended and reenacted to read as follows:

§2001. Board of trustees; membership; vacancies; compensation

B. The board shall consist of ten trustees as follows:
   * * *
   (5) Six active and contributing members of the system who shall have at least five years of creditable service in the Registrars of Voters Employees' Retirement System who shall be elected by the members of the Registrars of Voters Employees' Retirement System according to the rules and regulations adopted by the board of trustees to govern such elections. The term of office of the six elected board members shall be for a period of four years; provided, that one elected member whose term of office begins January 1, 2012, shall serve an initial term of two years, with subsequent terms of four years. No elected trustee may serve for more than three consecutive four-year terms, exclusive of any term being served on December 31, 2011. If an elected trustee elects to participate in the Deferred Retirement Option Plan after his term has commenced, he may continue to serve for the remainder of the term for which he was elected; however, if he otherwise separates from service, his term shall expire.
   * * *

Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2021, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 11, 2021
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 136

HOUSE BILL NO. 18
BY REPRESENTATIVE RISER
AN ACT

To enact R.S. 13:5554.6, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in Franklin Parish; to create a permanent fund; to require the deposit of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554.6 is hereby enacted to read as follows:

§5554.6. Franklin Parish: payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund.

A. There is hereby created the Franklin Parish Retired Employees Insurance Fund, hereinafter referred to as the "PREIF", to fund the payment by the sheriff's office of Franklin Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5545(N).

B. The sheriff of Franklin Parish may contribute to the PREIF at his discretion.

C. Upon recommendation of the board established in Subsection F of this Section, the sheriff of Franklin Parish shall invest at least twenty-five percent of the fixed income investments into the PREIF, provided that a minimum of twenty-five percent of the fixed income investment is rated as investment grade by a nationally recognized rating agency.

D.(1) The earnings realized on the monies invested pursuant to Subsection C of this Section shall be available for the sheriff to withdraw for the sole purpose of paying the insurance premiums costs provided in R.S. 13:5554(S) for retired sheriffs and retired deputy sheriffs of Franklin Parish, legal representation costs for the PREIF Board, or both, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the PREIF are equal to the sum of one million five hundred thousand dollars.

(2) In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of one million five hundred thousand dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 13:5554(S) or legal representation costs for the PREIF Board shall be paid in full from the sheriff's general fund.

E. Any financial audit conducted of the sheriff's office of Franklin Parish shall specifically address compliance with the provisions of this Section.

F.(1) To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of three members as follows:
(a) The sheriff or his designee.
(b) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.
(c) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

(2) The members of the board shall elect a chairperson at its first board meeting, which shall be held within thirty days after the appointment of board members.

Approved by the Governor, June 11, 2021
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 137

HOUSE BILL NO. 19
BY REPRESENTATIVES MACK, ADAMS, BUTLER, CARPENTER, ROBBY CARTER, WILFORD CARTER, CALLAS, EDMONSTON, FREEMAN, GLOVER, HARRIS, HODGES, HORTON, MCFARLAND, RISER, SCHEXNAYDER, AND THOMPSON
AN ACT

To amend and reenact R.S. 11:471(introductory paragraph) and 471.1(B) (1) and to enact R.S. 11:471(F) and 471.1(I), relative to the Louisiana State Employees' Retirement System; to provide relative to the selection of benefit options; to provide for survivors' benefits for members and members' families; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:471(D)(introductory paragraph) and 471.1(B)(1) are hereby amended and reenacted and R.S. 11:471(F) and 471.1(I) are hereby enacted to read as follows:

§471. Survivors' benefits; members hired on or before December 31, 2010

D. Benefit. Surviving Except as provided in Subsection F of this Section.

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* As it appears in the enrolled bill

CODING: Words in [ ] type are deletions from existing law; words under-scored (House Bills) and under-scored and boldfaced (Senate Bills) are additions.
surviving spouses, minor children, handicapped children, and mentally disabled children who qualify under this Section shall be eligible for benefits as follows:

F.(1) Any member with a mentally disabled child or children may elect, in lieu of the benefits otherwise provided for in this Section, that survivor benefits be calculated and paid as if the member retired immediately prior to his death and selected the option provided for in R.S. 11:446(A)(2)(b).

(2) The election provided for in this Subsection shall be duly acknowledged and filed with the board of trustees. Such election may be made at any time prior to the member's death, retirement, or participation in the Deferred Retirement Option Plan.

(3) If the member is married, the designated beneficiary for the election provided for in this Subsection shall be his spouse unless the spouse has consented to the contrary in writing before a notary public or the spouse cannot be located and the member submits an original affidavit, signed by him before a notary public, that evidences good faith efforts to locate the spouse.

(4) The election provided for in this Subsection is irrevocable. However, the election made pursuant to this Subsection terminates, and survivor benefits are not as otherwise provided for in this Section, upon the earlier of:

(a) The death of the mentally disabled child or children.
(b) The member's retirement or participation in the Deferred Retirement Option Plan.

(5) The survivor benefit eligibility provisions otherwise provided for in this Section are applicable to the benefits payable pursuant to the election provided for in this Subsection.

§471.1. Survivors' benefits; members hired on or after January 1, 2011

B.(1) Except as provided in Subsection I of this Section, a surviving spouse with a minor or handicapped child, or mentally disabled child, or children shall be paid per month, for so long as one or more children remain eligible for benefits under Subsection C of this Section, fifty percent of the benefit to which the member would have been entitled if he had retired on the date of his death using the member's applicable accrual rate regardless of years of service or age, or six hundred dollars per month, whichever is greater, provided the deceased member was an active member at the time of death and had five or more years of service credit, at least two years of which were earned immediately prior to death or provided the deceased member had twenty or more years of service credit regardless of when earned or whether the deceased member was in active service at the time of death.

(1) Any member with a mentally disabled child or children may elect, in lieu of benefits otherwise provided for in this Section, that survivor benefits be calculated and paid as if the member retired immediately prior to his death and selected the option provided for in R.S. 11:446(A)(2)(b).

(2) The election provided for in this Subsection shall be duly acknowledged and filed with the board of trustees. Such election may be made at any time prior to the member's death, retirement, or participation in the Deferred Retirement Option Plan.

(3) If the member is married, the designated beneficiary for the election provided for in this Subsection shall be his spouse unless the spouse has consented to the contrary in writing before a notary public or the spouse cannot be located and the member submits an original affidavit, signed by him before a notary public, that evidences good faith efforts to locate the spouse.

(4) The election provided for in this Subsection is irrevocable. However, the election made pursuant to this Subsection terminates, and survivor benefits are not as otherwise provided for in this Section, upon the earlier of:

(a) The death of the mentally disabled child or children.
(b) The member's retirement or participation in the Deferred Retirement Option Plan.

(5) The survivor benefit eligibility provisions otherwise provided for in this Section are applicable to the benefits payable pursuant to the election provided for in this Subsection.

§701. Definitions

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

(12) “Employee” means a person employed by either the Police Jury Association of Louisiana, the Louisiana School Boards Association, or the Teachers Retirement System of Louisiana. “Employer” means also the Parochial Employees Retirement Option Plan, or the Teachers Retirement System and elected officials of the governing authority of any parish, including a member of school boards at their options. In any case of doubt, the board of trustees shall be the sole judge of who is an employee.

(h) “Employee” also means an employee of the Louisiana School Boards Association who meets all of the following:

(i) He was hired by the association before July 1, 2021.

(ii) He, as of June 30, 2021, has less than five years of creditable service in the Teachers Retirement System of Louisiana, and any entity with an approved retirement system and elected officials of the governing authority of any parish covered by this Chapter, and shall include members of school boards at their options. In any case of doubt, the board of trustees shall be the sole judge of who is an employee.

(iv) In any case of doubt, the board of trustees shall be the sole judge of who is an employee.

(13) “Employer” means any parish in the state of Louisiana, except Orleans and East Baton Rouge Parishes, or the police jury or any other governing body of a parish which employs and pays persons serving the parish. “Employer” means also the Police Jury Association of Louisiana, the Louisiana School Boards Association, this retirement system, and any entity with an approved plan pursuant to R.S. 11:1903. “Employer” also means the Louisiana School Boards Association if an employee of the association is an employee as defined in Subparagraph (12)(b) of this Section. “Employer” shall not mean a parish or city school board.

§1903.1. Louisiana School Boards Association

A. If an employee of the Louisiana School Boards Association separates from service and at the time of such separation is enrolled in this system because of the employee's employment with the Louisiana School Boards Association, the Louisiana School Boards Association shall remit to this system that portion of the unfunded actuarial accrued liability, if any, existing on the December thirty-first immediately prior to the date of separation of employment which is attributable to that position.

B. The actuarial accrued liability shall be determined by the actuary employed by the system using the entry age normal funding method and the system’s actuarial value of assets. The portion of the unfunded actuarial accrued liability attributable to any such position shall be determined based upon the annual salary of the person who left the position divided by the total annual salary for all participants in Plan B.

Section 2. The cost, if any, of the additional benefit in Section 1 of this Act to be paid by the Teachers' Retirement System of Louisiana shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 138

HOUSE BILL NO. 22

BY REPRESENTATIVE LACOMBE AND SENATORS PRICE, WARD, AND WOMACK

AN ACT

To amend and reenact R.S. 11:701(33)(a)(xiv) and 1902(12)(b) and (13) and to enact R.S. 11:701(33)(a)(xv), 1902(12)(b) and (i),(i), and 1903.1, relative to the Parochial Employees' Retirement System of Louisiana and the Teachers' Retirement System of Louisiana; to provide for membership of Louisiana School Boards Association employees within the Teachers' Retirement System of Louisiana, rather than the Parochial Employees' Retirement System of Louisiana; to provide for exceptions; to provide for payment of accrued liabilities; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:701(33)(a)(xiv) and 1902(12)(b) and (13) are hereby amended and R.S. 11:701(33)(a)(xv), 1902(12)(b) and (i),(i), and 1903.1 are hereby enacted to read as follows:

§701. Definitions

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

(33)(a) “Teacher”, except as provided in Subparagraph (b) of this Paragraph, shall mean any of the following:

(xiv) The director of the Louisiana School Boards Association and any employee of the association who was either hired by the association after June 30, 2021, or who, as of June 30, 2021, has at least five years of creditable service in the system.

(xx) In all cases of doubt, the board of trustees shall determine whether any person is a teacher within the scope of the definition set forth in this Paragraph.

§1902. Definitions

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

(v) All other persons shall mean the Parochial Employees Retirement Option Plan.

§701. Definitions

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

(12) “Employee” means any parish in the state of Louisiana, except Orleans and East Baton Rouge Parishes, or the police jury or any other governing body of a parish which employs and pays persons serving the parish. “Employer” means also the Police Jury Association of Louisiana, the Louisiana School Boards Association, this retirement system, and any entity with an approved plan pursuant to R.S. 11:1903. “Employer” also means the Louisiana School Boards Association if an employee of the association is an employee as defined in Subparagraph (12)(b) of this Section. “Employer” shall not mean a parish or city school board.

§1903.1. Louisiana School Boards Association

A. If an employee of the Louisiana School Boards Association separates from service and at the time of such separation is enrolled in this system because of the employee's employment with the Louisiana School Boards Association, the Louisiana School Boards Association shall remit to this system that portion of the unfunded actuarial accrued liability, if any, existing on the December thirty-first immediately prior to the date of separation of employment which is attributable to that position.

B. The actuarial accrued liability shall be determined by the actuary employed by the system using the entry age normal funding method and the system's actuarial value of assets. The portion of the unfunded actuarial accrued liability attributable to any such position shall be determined based upon the annual salary of the person who left the position divided by the total annual salary for all participants in Plan B.

Section 2. The cost, if any, of the additional benefit in Section 1 of this Act to be paid by the Teachers' Retirement System of Louisiana shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE PAGE 50
§1599. Overpayment of benefits: corrections; repayment
A. The director may correct any administrative error and make all adjustments relative to such correction as provided in Subsection C of this Section. The director shall correct such error based solely on sufficient documentation, which shall be submitted to the board of trustees for approval at the next board meeting after receipt of such documentation, whether such administrative error was committed by the system or otherwise.
B. If an underpayment of benefits is due to an administrative error committed by system staff, the correction of the error pursuant to Subsection A of this Section may include the payment of interest at a rate not to exceed the system’s valuation interest rate or the judicial interest rate, whichever is lower.
C. If an amount is paid to a retiree, beneficiary, or Survivor which is not due him, the board of trustees shall adjust the amount payable to the correct amount, and the board may recover any overpayment by reducing the corrected benefit such that the overpayment will be repaid within twelve months. The director or board of trustees shall notify the retiree, beneficiary, or Survivor of the amount of overpayment in benefits and the amount of the adjustment in benefits at least thirty days prior to any reduction from the benefit amount without the overpayment.
D. The right to collect any benefit paid to a retiree, beneficiary, or Survivor which is not due him, due to administrative error by the system, applies only to amounts paid during the thirty-six month period immediately preceding the date the system has actual knowledge of the error in payment. This right to collect is subject to a liberative prescription of ten years. This prescription commences to run from the date the system has actual knowledge of the error in payment.
E. Notwithstanding the provisions of Subsection D of this Section, if the individual received a payment because of a fraud against the system, the right to collect such fraudulent payment shall extend to the entire amount of overpayment obtained through fraud. This right to collect is subject to a liberative prescription of ten years. This prescription commences to run from the date the system has actual knowledge of the error in payment.

SECTION 2. This Act shall become effective on July 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2021, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 11, 2021
R. Kyle Ardoin
Secretary of State

ACT No. 140

BY REPRESENTATIVES ADAMS, BACALA, BEAULIEU, FIRMENT, HARRIS, AND NELSON

An ACT

To amend and reenact R.S. 11:2256(6), 2256(B)(3) and (G), 2256(2A) and (E), and 2259(A)(3) and to enact R.S. 11:2256(2F) and 2259(A)(4), relative to the Firefighters’ Retirement System; to provide relative to members’ beneficiaries; to provide for payment of benefits to estate administrators; to provide relative to certification of a child’s disability; and to provide for related matters.

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

Sec. 1. R.S. 11:2256(6), 2256(B)(3) and (G), 2256(2A) and (E), and 2259(A)(3) are here by amended and reenacted and R.S. 11:2256(2F) and 2259(A)(4) are hereby enacted to read as follows:

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

B. * * *

(3)(a) Benefits shall be payable as specified in this Paragraph to any surviving child of a deceased member or retiree if the child has a total physical or mental disability and is under the age of eighteen. The surviving child of a deceased active contributing member, a deceased disability retiree, or a deceased regular retiree, whether under or over the age of eighteen, shall be entitled to the same benefits, payable in the same manner as are provided in this Section for minor children, if the child has a total physical or mental disability and under the age of eighteen.
disability or an intellectual disability and had such disability at the time of death of the member or retiree, and the child is dependent upon the surviving spouse, or other legal guardian for subsistence. Benefits payable under the provisions of this Paragraph may be paid in trust as provided in R.S. 11:2256.2.

(b) A medical determination of permanent mental or physical disability of a member's child or children that is approved by the board of trustees pursuant to R.S. 11:2256.AX1 (Option 4) shall also be sufficient certification of such disability for purposes of this Paragraph.

G. Notwithstanding any other provision of law to the contrary, the board of trustees may implement a court order directing payment of any portion of a benefit to a trust or estate administrator pursuant to the provisions of R.S. 11:2256.2.

§2256.2. Designation of benefits to be paid in trust payable to trust or estate administrator.

A. A member may designate all or a portion of any benefit paid in accordance with R.S. 11:2256 or 2258 this Chapter to be paid in trust to his surviving minor child or his child with a physical or mental disability regardless of such child's age any beneficiary if the terms of the trust so provide and if the system is provided with a certified copy of the trust document. Such benefit or designated portion of a benefit shall be paid to the trust for addition to the trust property.

E. A member may designate all or a portion of any benefit paid in accordance with this Chapter to be paid monthly to a court-appointed estate administrator on behalf of the member's surviving spouse, children, or both, for the purpose of probating a valid testament wherein such spouse, children, or both are named as legatees and the testament contains a provision for informal acceptance. For payment to be made to an estate administrator, the system shall be furnished the certified copy of the testament. This system's actuary shall determine the methodology for calculating the amount and duration of monthly benefits payable to the estate administrator based on the provisions of the testament. Such benefit or designated portion that is paid to the estate administrator shall not be accessible to creditors for payment of any estate debt or the estate administrator's fees. The estate administrator shall pay such monthly benefits to the appropriate legatee in accordance with the instructions set forth in the testament. The estate administrator shall immediately notify the system in writing of the death of any legatee receiving benefits pursuant to this Subsection. If payment of a benefit or portion pursuant to this Subsection is contested by any party, the system shall withhold all disputed benefit payments and institute a concursus action and deposit such benefits into the registry of the court until there is a final binding legal agreement or judgement regarding the proper payment.

F. For purposes of this Section only, the term “child” means the issue of a marriage of a member of this system, the legally adopted child of a member of this system, a child born outside of marriage of a female member of this system, or the child of a male member of this system if acknowledged or filiated pursuant to the provisions of the Civil Code.

§2259. Optional allowances

A. Notwithstanding any other provision of law, any beneficiary, if the terms of the trust so provide and if the system is provided with a certified copy of the trust document, shall be entitled to receive the same proportion of a benefit or designated portion of a benefit as provided under the provisions required by Paragraph (1) of this Subsection shall be distributed as follows:

(a) Provided that Subparagraphs (b) and (c) of this Paragraph are applicable to them, one dollar per capita for each urbanized area as determined by the most current federal census for the parishes of Orleans, Jefferson, East Baton Rouge, Monroe, Alexandria, Lafayette, Lake Charles, Shreveport, St. Bernard, St. Charles, St. Tammany, Tangipahoa, and Terrebonne.

(b) Any funds specifically appropriated for transportation purposes other than those provided for in Subsection A of this Section shall be credited to the Parish Transportation Fund, after appropriating two and one-half percent of the amount allocated pursuant to this Section to the public transportation section of the Louisiana Department of Transportation and Development for the sole purpose of capital acquisition for the transit providers operating under 49 U.S.C. 5310 and 5311, and after providing a base amount of seventy-five thousand dollars each for mass transit purposes as defined in the Transportation Equity Act for the 21st Century (TEA 21), or its successor, as amended, to the parish or municipal governing authority of Orleans, Jefferson, Kenner, East Baton Rouge, Monroe, Alexandria, Lafayette, Lake Charles, Shreveport, St. Bernard, St. Charles, St. Tammany, Tangipahoa, and Terrebonne.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 142

HOUSE BILL NO. 33

BY REPRESENTATIVE STAGNI

To amend and reenact Code of Criminal Procedure Article 573(4), relative to time limitations for prosecution of certain offenses; to provide relative to offenses against juveniles; to provide relative to felony crimes of violence against juveniles; and to provide relative to cruelty to juveniles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 573(4) is hereby amended and reenacted to read as follows:

Art. 573. Running of time limitations; exception

The time limitations established by Article 572 shall not commence to run as to the following offenses until the relationship or status involved has ceased to exist when:

(4) The offense charged is aggravated battery (R.S. 14:34) a felony crime of violence as defined in R.S. 14:2(B) or cruelty to juveniles as defined in R.S. 14:92 and the victim is under seventeen eighteen years of age, unless a longer period of limitation is established by Article 571.1 or any other provision of law.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 143

BY REPRESENTATIVE MUSCARELLO

To amend and reenact Chapter 3 of Title I of Book I of the Code of Civil Procedure, comprised of Code of Civil Procedure Articles 151 through 159, the heading of Chapter 3 of Title I of Book VIII of the Code of Civil Procedure, the heading of Code of Civil Procedure Article 4861 and Code of Civil Procedure Articles 4862, 4863, and 4864, the heading of Code of Civil Procedure Article 4863, and Code of Civil Procedure Article 4866, relative to the recusal of judges; to provide for the grounds for recusal; to provide for disclosures required of judges; to provide for recusal on the court's own motion; to provide for the procedure for recusal; to provide for the selection of the judge to try the motion to recuse; to provide for the selection of the judge after recusal; to provide for the motion to recuse; to provide for the appointment of judge ad hoc; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4861. Chapter 3 of the Code of Civil Procedure, comprised of Code of Civil Procedure Articles 151 through 159, the heading of Chapter 3 of Title I of Book VIII of the Code of Civil Procedure, the heading of Code of Civil Procedure Article 4861 and Code of Civil Procedure Articles 4862, 4863, and 4864, the heading of Code of Civil Procedure Article 4863, and Code of Civil Procedure Article 4866 are hereby amended and reenacted to read as follows:

CHAPTER 3. RECUSATION RECUSAL OF JUDGES

Art. 151. Grounds

A. A judge of any trial or appellate court, trial or appellate, shall be recused

THE ADVOCATE * As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
when he upon any of the following grounds:

1. The judge is a witness in the cause; (2) The judge has been employed as an attorney or has previously been associated with an attorney during the latter's employment in the cause, and the judge participated in representation in the cause.

2. The judge is the spouse of a party, or of an attorney employed in the cause or the judge's parent, child, or immediate family member is a party or attorney employed in the cause.

3. The judge is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that he would be unable to conduct fair and impartial proceedings in the cause.

4. The judge is the spouse of a party, or of an attorney employed in the cause or the judge's parent, child, or immediate family member is a party or attorney employed in the cause.

B. A judge of any court, trial or appellate, may be recused when he:

1. Has been associated with an attorney during the latter's employment in the cause.

2. Continues to employ, to represent him personally, the attorney actually handling the cause (not just a member of the attorney's firm), and in this case the employment shall be disclosed to each party in the cause.

3. Has performed a judicial act in the cause in another court or in the cause in which the judge is a party or the spouse of a party, within the fourth degree, an attorney employed in the cause or the spouse of the attorney, within the second degree, or if the judge's spouse, parent, child, or immediate family member living in the judge's household has a substantial economic interest in the subject matter in controversy sufficient to prevent the judge from conducting fair and impartial proceedings in the cause.

A judge of any trial or appellate court shall also be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.

C. In any cause in which the state, or a political subdivision thereof, or a religious body or corporation is interested, the fact that the judge is a citizen of the state or a resident of the political subdivision, or pays taxes through the political subdivision, is not a ground for recusal. In any cause in which a religious body or religious corporation is interested, the fact that the judge is a member of the religious body or religious corporation is not alone a ground for recusal.

Comments - 2021

(a) Former Paragraph B of this Article, which set forth permissive grounds for recusal, has been deleted, and its substance has been moved to a new provision, Article 152, which provides for the mandatory disclosures that a judge must make to all attorneys and unrepresented parties in the cause.

(b) A new Paragraph B has been added to provide an additional mandatory ground for recusal when a substantial and objective basis exists that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner. This provision is intended to serve as a catch-all supplementing the mandatory grounds for recusal set forth in Paragraph A and to incorporate a clearer, more objective standard than the language of Canon 3C of the Code of Judicial Conduct, which provides that a judge should recuse himself when "the judge's impartiality might reasonably be questioned."

(c) This Article and Article 153(B) are intended to set forth the exclusive grounds for the recusal of a judge in a civil proceeding.

Art. 153. Disclosures

A. A judge of any trial or appellate court shall disclose, to the best of his information and belief, the existence of any of the following to all attorneys and unrepresented parties in the cause:

1. The judge has been associated with an attorney during the latter's employment in the cause.

2. At the time of the hearing of any contested issue in the cause, the judge has continued to employ, to represent him personally, the attorney actually handling the cause or a member of that attorney's firm.

3. The judge has performed a judicial act in the cause in another court, or in the cause in which the judge is a party or the spouse of a party, within the fourth degree, an attorney employed in the cause or the spouse of the attorney, within the second degree, or if the judge's spouse, parent, child, or immediate family member has a substantial economic interest in the subject matter in controversy.

B. Upon disclosure, any party may file a motion that sets forth a ground for recusal under Article 151.

Comments - 2021

(a) This Article is new, but its substance is taken from former Paragraph B of Article 151, which previously set forth permissive grounds for recusal. The information disclosed in Paragraph A is now required to be disclosed by the judge to all attorneys and unrepresented parties in the cause. If the information disclosed gives rise to a ground for recusal under Article 151, any party may file a motion to recuse the judge pursuant to the procedure set forth in Article 154.

(b) Under Paragraph (A)(4), the judge must disclose whether he is related to an attorney or the spouse of a party within the second degree, which includes the judge's children, grandchildren, parents, grandparents, and siblings. The judge must also disclose whether he is related to a party or the spouse of a party within the fourth degree, which includes the family members previously listed as well as the judge's nieces and nephews, aunts and uncles, among others. For an explanation of how to determine the degree of relationship between the judge and an attorney or party and their spouses, see Civil Code Articles 900 and 901.

(c) Paragraph (A)(5) of this Article was taken from former Article 151(B)(4) and requires the judge to disclose if his spouse, parent, child, or immediate family member has a substantial economic interest in the subject matter in controversy sufficient to prevent the judge from conducting any aspect of the cause in a fair and impartial manner. This disclosure must be made in all cases regardless of whether the judge's immediate family member is "living in the judge's household," as was provided under former Article 151(B)(4).

(d) This Article's requirement that a judge of any "trial" court make certain disclosures to all parties and attorneys in the cause applies not only to district court judges, but also to parish and city court judges as well as justices of the peace.

Art. 154. Procedure for recusation

A. A judge may recuse himself in any cause in which a ground for recusal exists, whether or not a motion for his recusation has been filed by a party or not, in any cause in which a ground for recusal exists.

B. A district judge may recuse himself in any cause objecting to the recusal of the judge, including the parties, attorneys or any witness to such an extent that he would be unable to conduct fair and impartial proceedings in the cause.

C. A judge may also recuse himself in any cause in which the state, or a political subdivision thereof, or a religious body or corporation is interested, the fact that the judge is a citizen of the state or a resident of the political subdivision, or pays taxes through the political subdivision, is not a ground for recusal. In any cause in which a religious body or religious corporation is interested, the fact that the judge is a member of the religious body or religious corporation is not alone a ground for recusal.

Comments - 2021

Paragraph C of this Article is new and requires the judge to file written reasons containing the factual basis for the judge's self-recusal prior to the cause being allotted to another judge. This provision also requires the judge to provide a copy of both the recusal and the written reasons for the recusal to the judicial administrator of the supreme court. This reporting requirement reflects the countervailing considerations of a judge's duty to sit and his obligation to recuse when a valid ground for recusal exists. A judge is "not at liberty, nor does he have the right, to take himself out of a case and burden another judge with his responsibility without good and legal cause." In re Lemoine, 606 So. 2d 837 (La. 1997).

Art. 155. Procedure for recusation of district court judge

A. A party desiring to recuse a judge of a district court shall file a written motion therefor assigning the ground for recusation under Article 151. This motion shall be filed prior to trial or hearing unless the party discovers the facts constituting the ground for recusation thereafter, in which event it shall be filed immediately after these facts are discovered, but prior to judgment. In no case may a motion for recusation be filed more than thirty days after the filing of the facts constituting the ground for recusation.

B. The district judge may deny the motion without the appointment of an ad hoc judge, as provided in Article 156, for a hearing.

C. If the motion to recuse is not timely filed in accordance with Paragraph A of this Article or fails to set forth a ground for recusation under Article 151, the judge may deny the motion without the appointment of an ad hoc judge or a hearing but shall provide written reasons for the denial.

Comments - 2021
(a) Paragraph A of this Article has been amended to require a motion to recuse to be filed no later than thirty days after discovery of the facts constituting the ground upon which the motion is based, or within the time provided in this Chapter for the recusation of judges, whichever is earlier, prior to the scheduling of the matter for trial. This time limitation has been imposed to prevent the parties from delaying the proceedings by using a late-filed motion to recuse as a manner of obtaining a continuance of the trial.

(b) Paragraph B of this Article has been amended to provide that when a motion setting forth a ground for recusal has been timely filed, the judge who is the subject of the motion shall either recuse himself or request in writing that the supreme court appoint an ad hoc judge to hear the motion to recuse.

(c) If the motion to recuse is not timely filed or fails to set forth a ground for recusal, Paragraph C of this Article permits the judge who is the subject of the motion to deny it without the appointment of an ad hoc judge or a hearing, provided that the judge gives written reasons for such denial. If a party disagrees with the judge’s denial of the motion to recuse pursuant to Paragraph C, the party may apply for a supervisory writ or emergency supervisory writ seeking review of the judge’s decision.

Art. 155. Selection of judge to try motion to recuse - court having two or more judges

A. In a district court having two judges, the judge who is sought to be recused shall file a motion to recuse that sets forth a ground for recusal. When a motion under Article 151 is referred for hearing, the supreme court shall appoint an ad hoc judge to hear the motion to recuse, and only the ad hoc judge to whom the motion is assigned shall have the power and authority to act in the cause pending disposition of the motion.

B. In a district court having more than two judges, the motion to recuse shall be referred to another judge of the district court for trial through the random process of assignment in accordance with the provisions of Code of Civil Procedure Article 253.4.

Comments - 2021

(a) This Article has been amended to provide that in all cases where a motion to recuse has been referred for hearing, the motion shall be heard by an ad hoc judge appointed by the supreme court. This revision is intended to increase confidence in Louisiana’s district courts by reducing or eliminating the potential for impartiality or bias that would result from allowing the motion to be heard by a judge of the same court as the judge who is the subject of the motion.

(b) Once a motion to recuse has been referred for hearing, this Article continues the rule that the judge who is the subject of the motion to recuse can no longer take any action in the cause. Rather, the ad hoc judge who is appointed by the supreme court shall have the power and authority to act in the cause until the motion to recuse is decided.

Art. 156. Same - court having single judge

A. When a ground assigned for the recusation of the judge of a district court having a single judge of a court having two or more judges, the judge shall appoint a district judge of an adjoining district to try the case.

B. When any other ground is assigned for the recusation of the district court judge in the single-judge district voluntarily recuses himself, he may appoint an attorney domiciled in the judicial district who has the qualifications of a district judge, to try the motion to recuse the judge shall make a written request to the supreme court for the appointment of an ad hoc judge to hear the cause. When an ad hoc judge is appointed, the court to which the motion is assigned shall have the same power and authority to act on the cases pending disposition of the motion.

C. The judge ad hoc has the same power and authority to dispose of the cause as the recused judge has in cases in which no ground for recusal exists.

Art. 158. Supreme court appointment of district judge to try cause when judge recused

In a cause in which the district judge is recused, even when a judge ad hoc has been appointed for the trial of the cause under Article 157, a party may move the supreme court by rule of court to appoint another district judge as judge ad hoc to try the cause. If the supreme court deems it in the interest of justice, such appointment shall be made.

The order of the supreme court appointing a judge ad hoc shall be entered on the record of the cause. The order shall be served on the party seeking the appointment of the judge ad hoc, the clerk of the district court where the cause is pending, the party opposing the request, and on the clerk of the district court where the cause is pending, for entry in its minute.

Art. 159. Recusation Recusal of supreme court justice

A. A party desiring to recuse a justice of the supreme court shall file a written motion. Thereafter, the supreme court shall have the power and authority to act for recusation under Article 151. When a written motion is filed to recuse a justice of the supreme court, he the justice may recuse himself or the motion shall be heard by the other justices of the court.

B. When a justice of the supreme court recuses himself, or is recused, the court may do one of the following:

1. Have the cause argued before and disposed of by the other justices.

2. Appoint a sitting or retired judge of a district court or a court of appeal having the qualifications of a justice of the supreme court to act for the recused justice in the hearing and disposition of the cause.

Art. 160. Recusation Recusal of judge of court of appeal

A. A party desiring to recuse a judge of a court of appeal shall file a written motion. Thereafter, the supreme court shall have the power and authority to act for recusation under Article 151. When a written motion is filed to recuse a judge of a court of appeal, the party seeking the recusation, the judge recused, or the motion shall be heard by the supreme court.

B. When a judge of a court of appeal recuses himself, or is recused, the court may do one of the following:

1. Have the cause argued before and disposed of by the other judges of the court to which it is assigned, or (2) appoint a sitting or retired judge of a court of appeal having the qualifications of a judge of a court of appeal to act for the recused justice in the hearing and disposition of the cause.

Art. 161. Recusation Recusal of judge of parish or city court

A. A party desiring to recuse a judge of a parish or city court shall file a written motion. Thereafter, the parish or city court judge ad hoc shall have the power and authority to act for recusation under Article 151. When a written motion is filed to recuse a judge of a parish or city court, he the judge ad hoc or the motion shall be heard by the other judges on the panel to which the cause is assigned.

B. If the motion to recuse is not timely filed or fails to set forth a ground for recusation, the judge shall appoint a district judge of an adjoining district to try the cause, if that court has more than one division; otherwise, he shall appoint a parish or city court judge from an adjoining parish or, as provided in this Chapter for the recusation of judges, an attorney domiciled in the parish who has the qualifications of a parish or city court judge to preside over the trial of the matter.

C. If the motion to recuse is not timely filed or fails to set forth a ground for recusation, the judge shall appoint an attorney domiciled in the parish who has the qualifications of a justice of the supreme court to act for the recused judge in the hearing and disposition of the cause.

Art. 164. Appointment of judge ad hoc

A. The supreme court may order a sitting or retired judge of a district court or a court of appeal to act for the recused justice in the hearing and disposition of the cause.

B. When a judge ad hoc is appointed, the party seeking the recusation, the judge recused, or the motion shall be heard by the supreme court.

C. If the judge ad hoc is appointed under the provisions of Articles 4861 through 4865 shall have the same power and authority to act on the cases in which no ground for recusation exists.

Art. 165. Appointment of judge ad hoc in event of temporary inability of judge

A. When a judge is adjudged mentally incompetent, the supreme court may appoint either a parish or city court judge from an adjoining parish or, as provided in this Chapter for the recusation of judges, an attorney domiciled in the parish who has the qualifications of a parish or city court judge to act for the recused judge in the hearing and disposition of the cause.

B. If the judge ad hoc is appointed under the provisions of Articles 4861 through 4865 shall have the same power and authority to act on the cases in which no ground for recusation exists.

Art. 169. Power and authority of judge ad hoc

A. When a judge ad hoc is appointed under the provisions of Articles 4861 through 4865 shall have the same power and authority to act on the cases in which no ground for recusation exists.

B. When a judge ad hoc is appointed, the party seeking the recusation, the judge recused, or the motion shall be heard by the supreme court.
ACT No. 144

HOUSE BILL NO. 41
BY REPRESENTATIVE MACK
AN ACT

To enact R.S. 33:3813(C)(7), relative to the Livingston Parish Ward Two Water District; to provide relative to the making of the membership board of the district; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:3813(C)(7) is hereby enacted to read as follows:

§3813. Appointments of waterworks commissioners; terms; vacancies

* * *

C. * * *

(7) Notwithstanding any other provision of this Section to the contrary, the membership of the board of commissioners of the Livingston Parish Ward Two Water District shall be comprised of seven members. The members shall be appointed by the governing authority of Livingston Parish.

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

Approved by the Governor, June 11, 2021

A true copy: R. Kyle Ardoin
Secretary of State

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ACT No. 145

2021 Regular Session
HOUSE BILL NO. 49
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact R.S. 3:4622(B)(1) through (3), (C), and (E), relative to fee increases; to provide for commercial weighing and measuring device registration fees; to provide for the weighmaster license fee; to provide for service person registration fee; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4622(B)(1) through (3), (C), and (E) are hereby amended and reenacted to read as follows:

§4622. Fees; Weights and Measures Fund

* * *

B. The registration fee for each commercial weighing and measuring device shall be as follows:

1. Category 1—zero to 1,000 pounds weight $35.00 up to $50.00
2. Category 2—over 1,000 to 10,000 pounds weight $80.00 up to $135.00
3. Category 3—over 10,000 pounds weight $145.00 up to $260.00

* * *

C. Each weighmaster who is licensed by the commission shall pay an annual license fee of seventy-five one hundred dollars.

* * *

E. The registration fee for each service agency shall be one hundred dollars. The registration fee for each service person shall be fifty sixty-five dollars.

* * *

Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2021, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 11, 2021

A true copy: R. Kyle Ardoin
Secretary of State

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ACT No. 146

HOUSE BILL NO. 53
BY REPRESENTATIVES MINCEY AND THOMPSON
AND SENATOR POPE
AN ACT

To enact R.S. 33:4574(F)(11), relative to the Livingston Parish Convention and Visitors’ Bureau; to provide for changes to the tourist commission’s board of directors; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4574(F)(11) is hereby enacted to read as follows:

§4574. Tourist commissions; creation; purpose; directors; powers

* * *

F. * * *

(11) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Livingston Parish Convention and Visitors’ Bureau shall be governed by a board of nine directors appointed by the governing authority of Livingston Parish.

Section 2. The governing authority of Livingston Parish may determine the initial terms of additional directors provided for by this Act. Section 3. The Louisiana State Law Institute is hereby directed to change all references to the “Livingston Parish Tourist Commission” to the “Livingston Parish Convention and Visitors’ Bureau” in R.S. 33:4574(B)(10) and 4574.1(A)(19) and R.S. 47:302.41.

Approved by the Governor, June 11, 2021

A true copy: R. Kyle Ardoin
Secretary of State

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ACT No. 147

HOUSE BILL NO. 60
BY REPRESENTATIVE BRASS
AN ACT

To amend and reenact R.S. 17:2922.1(A), (B)(introductory paragraph), and (F), to enact R.S. 17:2922.1(B)(1)(m), and to repeal R.S. 17:2922.1(G), relative to dual enrollment; to provide with respect to the Dual Enrollment Framework Task Force; to revise the membership of the task force; to provide relative to reporting requirements; to remove the termination date of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2922.1(A), (B)(introductory paragraph), and (F) are hereby amended and reenacted and R.S. 17:2922.1(B)(1)(m) is hereby enacted to read as follows:

§2922.1. Dual Enrollment Framework Task Force; creation; purpose; membership; definitions; reporting; termination

A. The Dual Enrollment Framework Task Force is hereby created under the jurisdiction of the Board of Regents for the purpose of making recommendations for the establishment and implementation of a statewide dual enrollment framework designed to provide universal access to dual enrollment courses to all qualified public high school juniors and seniors.

B.(1) The task force shall be composed of twelve thirteen members as follows:

* * *

(m) A secondary school teacher who teaches a dual enrollment course, to be nominated by the state’s teacher unions.

* * *

F. The Board of Regents shall submit an annual written report of task force findings and recommendations to the Senate Committee on Education and the House Committee on Education by October 1, 2020 sixty days prior to the regular legislative session.

Section 2. R.S. 17:2922.1(G) is hereby repealed in its entirety.

Approved by the Governor, June 11, 2021

A true copy: R. Kyle Ardoin
Secretary of State

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ACT No. 148

HOUSE BILL NO. 63
BY REPRESENTATIVE BUTLER
AN ACT

To enact R.S. 40:1498(J), relative to the Ward Five Fire Protection District of Evangeline Parish; to provide relative to the per diem paid to members of the governing board of the district; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1498(J) is hereby enacted to read as follows:

§1498. Compensation of board members

* * *

J. Notwithstanding the provisions of Subsection A of this Section, members of the governing board of the Ward Five Fire Protection District of Evangeline Parish may be paid a per diem not to exceed one hundred dollars per meeting, not to exceed two meetings in any calendar month.

Approved by the Governor, June 11, 2021

A true copy: R. Kyle Ardoin
Secretary of State

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ACT No. 149

HOUSE BILL NO. 66
BY REPRESENTATIVE KERNER
AN ACT
To enact R.S. 33:4712(H), relative to the sale of public property by municipalities; to provide relative to the sale of police dogs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4712(H) is hereby enacted to read as follows:

§4712. Sale, exchange, or lease of property by a municipality
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 150

HOUSE BILL NO. 86
BY REPRESENTATIVE BEAULIEU
AN ACT
To amend and reenact R.S. 18:444(G), relative to a parish executive committee of a recognized political party in Lafayette Parish; to provide relative to membership on such a committee; to provide an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:444(G) is hereby amended and reenacted to read as follows:

§444. Parish executive committee
G. Composition. In
1. Except as provided in Paragraph (2) of this Subsection, in each parish, except Orleans and Jefferson parishes, the parish executive committee of a recognized political party shall be composed of five members-at-large and as many members as there are members of the parish governing authority. The members-at-large shall be elected from the entire parish, while the additional members shall be elected, one each, from the districts or wards from which the members of the parish governing authority shall be elected.
2. In Orleans Parish, the parish executive committee of a recognized political party shall be composed of fourteen members elected from each councilmanic district.
3. In Jefferson Parish, the parish executive committee of a recognized political party shall be composed of five members elected from each councilmanic district and ten members elected at large from the entire parish.
4. In Lafayette Parish, the parish executive committee of a recognized political party shall be composed of one member elected from each councilmanic district and nine members elected at large from the parish.

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

Approved by the Governor, June 11, 2021
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 151

HOUSE BILL NO. 101
BY REPRESENTATIVE DUBUISSON
AN ACT
To enact R.S. 13:5726 and to repeal R.S. 13:5725, relative to the coroner of St. Tammany Parish; to provide for the governing authority of St. Tammany Parish; to repeal R.S. 34:3522, relative to the Caddo-Bossier Parishes Port Commission; and to provide for the transfer of immovable property by a municipality to a commission.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5726 is hereby enacted to read as follows:

§5726. St. Tammany Parish; coroner; powers and duties; funding of coroner and operational expenses

A. The governing authority of St. Tammany Parish shall levy and the sheriff of St. Tammany Parish, as tax collector, shall receive all tax revenues collected from ad valorem tax for coroner purposes each year as first approved by a majority of the electors of the parish at an election held for that purpose on November 2, 2004, including any extensions or renewals of the ad valorem tax.
B. (1) All tax proceeds collected under Subsection A of this Section shall be deposited by the sheriff, as tax collector, directly into a special account with the governing authority of St. Tammany Parish to be advanced to the coroner by January thirty-first of the year following the collection of such tax proceeds, after requiring sufficient tax revenues to be paid first to St. Tammany Parish.
C. The governing authority of St. Tammany Parish shall make all payments with respect to any present or future bonds or debt obligations issued and secured by St. Tammany Parish. These payments shall include but are not limited to the following:
   (a) Principal.
   (b) Interest.
   (c) Redemption premiums.
   (d) Expenses.
   (e) Other administrative costs.
   (f) The governing authority of St. Tammany Parish and the coroner shall enter into a cooperative endeavor agreement setting forth permitted use of facilities financed with St. Tammany Parish bonds or other debt obligations, to ensure continued tax-exempt status of any such bonds or other debt obligations.
D. The coroner shall be responsible for all salaries and operational expenses of the St. Tammany Parish coroner's office, thereby relieving the governing authority of St. Tammany Parish of any funding responsibility under R.S. 13:5706.
E. The coroner shall receive a salary set by the governing authority of St. Tammany Parish for his full-time services as parish coroner, ex officio parish physician, or health officer. The salary shall be the average of the salaries of the St. Tammany Parish sheriff, assessor, and clerk.
F. The coroner shall establish an annual salary for all deputy or assistant coroners, secretaries, stenographers, clerks, technicians, investigators, official photographers, or other helpers.
G. (1) The St. Tammany Parish coroner's office may acquire and own any immovable property upon which the daily operations of the coroner's office are conducted.
H. (2) All immovable property previously transferred to the governing authority of St. Tammany Parish by the St. Tammany Parish coroner's office including but not limited to buildings, component parts, and other appurtenances, shall be transferred to the St. Tammany Parish coroner's office free and clear of all mortgages, liens, or other encumbrances no later than October 1, 2021.
I. The coroner shall file a report annually with the governing authority of St. Tammany Parish, which shall include a statement of the expenses of the coroner and the St. Tammany Parish coroner's office for the immediately preceding year.
J. The coroner of St. Tammany Parish shall prepare and present to the governing authority of the parish an annual report showing the operations of the coroner's office, the monies received by the office, and the purposes for which the monies were expended. The coroner shall include in each annual report an estimate of prospective revenues and proposed expenditures for the ensuing year. The date upon which the annual report shall be presented may be determined by the governing authority of the parish.

Section 2. R.S. 13:5725 is hereby repealed in its entirety.

Approved by the Governor, June 11, 2021
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 152

HOUSE BILL NO. 105
BY REPRESENTATIVE PLESSY AND SENATORS MILLIGAN AND PEACOCK
AN ACT
To amend and reenact R.S. 34:3159(B) and 3160(C) and to repeal R.S. 34:3522, relative to the Caddo-Bossier Parishes Port Commission; to provide for the rights and powers of the commission; to authorize the commission to perform the functions of an economic and industrial development entity; 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. 34:3159(B) and 3160(C) are hereby amended and reenacted to read as follows:

§3159. Officers of the boards; meetings; quorum
A. * * *

B. (1) The commission shall meet once each month in regular session and shall also meet in special session at the call of the president of the commission or on the written request of three members of the commission. A majority of
the members of the commission shall constitute a quorum, and all actions or resolutions of the commission must be approved by the affirmative vote of not less than a majority of all members of the commission. The commission shall prescribe rules governing its meetings and shall fix a place at which the meetings shall be held.

(2) In addition to the requirements governing regular and special meetings delineated in Paragraph (1) of this Subsection, the commission shall hold a specially called annual meeting to advise the public of projects located in the port area that may affect adjacent landowners.

§3160. Rights and powers of commission

C(1) The commission shall regulate the commerce and traffic within the port area in such a manner as may, in its judgment, be for the best interests and acquire industrial utility service providers shall be subject to the provisions of R.S. and assist economic growth and development in the port area. However, the may engage in activities and projects it deems most appropriate to encourage in ways which increase the economic base of the port area.

(b) Supporting market research aimed at identifying new markets for

(B) In Tangipahoa Parish, the procedures for administrative adjudication provided in this Chapter may also be used in matters involving licensing and permits and any other ordinance violations that may be determined by the parish governing authority.

Approved by the Governor, June 11, 2021

R. Kyle Ardoin
Secretary of State

ACT No. 154

BY REPRESENTATIVE DAVIS

To enact R.S. 33:9097.33, relative to East Baton Rouge Parish; to create the Old Goodwood Crime Prevention and Neighborhood Improvement District; to provide relative to the boundaries, purpose, government, and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district, subject to voter approval; to provide for an effective date; and to provide for related matters.

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

Section 1. R.S. 33:9097.33 is hereby enacted to read as follows:

$9097.33. Old Goodwood Crime Prevention and Neighborhood Improvement District

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

B. Boundaries. Beginning at a point of intersection of the centerline of Florida Boulevard and a line extending south to the western rear property line of South Fairfax Drive (Fairfax Heights Subdivision) to the western side property line of 5390 George Street (Lot 6 Amberleigh Estates Subdivision Lot 6) turning east along the southern rear property lines of George Street to a point of intersection of the centerline of Cloud Drive to the centerline of Government Street turning east to the centerline of Government Street, said point of intersection being on the centerline of Old Homeowners Boulevard; turning north along the centerline of Jefferson Highway (State Highway Route 426) turning east to a point of intersection of a line extended from the eastern rear property line of the Fairway Estates II Subdivision turning north along the eastern rear property line of Fairway Estates II Subdivision and rear property line of Carter Avenue and a line extended to the point of intersection with the centerline of LaSalle Avenue turning west to a line extended to the eastern rear property line of Charmaine Avenue turning north to a point of intersection with the centerline of the Normandy Lateral drainage canal turning north to a line extended from the western rear property line of Old Homeowners Boulevard to the point of intersection with the centerline of Goodwood Boulevard turning west to the point of intersection with the centerline of Lobdell Boulevard turning north to the point of intersection with the centerline of Florida Boulevard turning west to the centerline of Old Homeowners Boulevard and a line extended from the western rear property line of the Fairway Estates II Subdivision turning north to the point of intersection with the centerline of Old Homeowners Boulevard and an extended line of Chalmette Boulevard turning north to a point of intersection with the centerline of the Normandy Lateral drainage canal.

C. Purpose. The purpose of the district shall be to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district and to serve the needs of the residents of the district by funding beautification and improvements for the overall betterment of the district.

D. Governance. (1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:

(a) The board of directors of the Goodwood Property Owners Association, referred to in this Section as the “association”, shall appoint four members.

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

THE ADVOCATE

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* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
(c) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(d) The member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge Parish whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(2) All members of the board shall own property and reside within the district and shall be qualified voters of the district.

(3) Members appointed pursuant to Subparagraph (1)(a) of this Subsection shall serve three-year terms.

(b) The terms of members appointed pursuant to Subparagraphs (1) through (d) of this Subsection shall be concurrent with the respective appointment authority.

(4) Any vacancy in the membership of the board, occurring either by reason of the expiration of the term of which appointed or by reason of death, resignation, or otherwise, shall be filled in the manner of the original appointment. If the appointing authority fails to make an appointment not later than thirty calendar days after the occurrence of the vacancy, the board of directors of the association shall appoint an interim successor to serve until the position is filled by the appointing authority.

(5) Board members shall be eligible for reappointment.

(6) Any board member may be removed for cause by a majority vote of the board.

(7) All members of the board shall serve without compensation but may receive reimbursement for approved and receipted expenses directly related to the governance of the district.

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

(9) All members of the board shall be subject to the official custody of the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the treasurer.

(10) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business and affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including the Open Meetings Law. The board shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at time and places within or without the district as may be prescribed in the bylaws. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.

(11) The board may hire such assistants and employees as are needed to assist the board in the performance of its duties.

(12) The board shall constitute a quorum for the transaction of business. Each member of the board shall have one vote. The vote of a majority of the board members present and voting, with a quorum being present, shall be required to decide any question upon which the board takes action.

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

(1) To sue and be sued.

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

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

(4) To enter into contracts with individuals or entities, private or public, for provision of security patrols, improvements, or other programs in the district.

(5) To provide or enhance security patrols in the district; to provide for improved lighting, signage, or matters relating to the security of the district; to purchase, lease, or otherwise acquire property, real estate, or other rights and places within or without the district as may be prescribed.

(6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary or deemed appropriate for achieving any purpose of the district.

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

(8) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts. The district shall be entitled to maintain any legal liability of the district and against any personal or legal liability of a member board that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

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

F. Operating the district. Through the board, may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1)(a) The amount of the fee shall be as provided by a duly adopted resolution of the board. The fee shall be a flat fee per parcel not to exceed one hundred twenty-five dollars per year for unimproved parcels zoned residential, one hundred fifty dollars per year for improved single-family parcels zoned residential, five hundred dollars per year for improved multi-family parcels zoned residential, and five hundred dollars per year for unimproved and improved parcels zoned commercial.

(b) The initial fee shall be one hundred twenty-five dollars per year for parcels zoned residential and four hundred dollars per year for parcels zoned commercial.

(2)(a) The fee shall be imposed on each improved and unimproved parcel located within the district. The term "parcel," as used in this Subsection means a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in R.S. 9:1211-105. The term "improved" as used in this Subsection means that a residence, commercial building, or other structure is constructed on the parcel.

(b) If multiple adjacent residential parcels are combined for the purpose of housing a single-family dwelling, the combined parcel shall constitute only a single parcel for purposes of computing the parcel fee.

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

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

(b) The fee shall expire at the time provided in the proposition authorizing the fee, not to exceed ten years. The fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(5) Not less than three years after approval of the parcel fee by a majority of the registered voters of the district as provided in this Subsection, the district, through the board, may increase the maximum amount provided in Subparagraph (1)(a) of this Subsection.

(6) No fee shall be imposed upon any parcel if the owner receives the special assessment pursuant to Article V, Section 18-G(1) of the Constitution of Louisiana.

(7) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of East Baton Rouge. The district's collecting officer shall collect the fee and remit the same to the district. Any amounts collected shall be deposited in a separate account by the secretary, a treasurer, and such other officers as it may deem necessary. The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

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

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

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

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

I. Miscellaneous. It is the purpose and intent of this Section that any additional security patrols, public or private, or any other security or services provided by the district shall be supplemental to and not be in lieu of personnel and services to be provided in the district by the state of Louisiana, East Baton Rouge Parish, or their departments or agencies, or by other political subdivisions.

(1) All funds of the district shall be paid into the treasurer of East Baton Rouge Parish and shall be invested in accordance with the provisions of the Louisiana Retirement Systems Act, R.S. 43:2101 et seq.

(2) If the district ceases to exist:

(a) All funds of the district shall be transmitted to the board of the city of Baton Rouge, parish of East Baton Rouge no later than the thirtieth calendar day after the date of dissolution, and such funds, together with any other funds collected by the city of Baton Rouge, parish of East Baton Rouge pursuant to this Section, shall be maintained in a separate account by the city of Baton Rouge, parish of East Baton Rouge to be used only to continue district operations and to maintain and administer any improvements, except that any funds collected by the city of Baton Rouge, parish of East Baton Rouge, as ex officio tax collector, of the parish of East Baton Rouge shall be deposited in the district's operating fund.

(3) The authority for the imposition of the parcel fee provided in this Section shall cease.

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

(5) No fee shall be imposed upon any parcel if the owner receives the special assessment pursuant to Article V, Section 18-G(1) of the Constitution of Louisiana.

(6) Board members who own property and reside within the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

(a) Acts that constitute a violation of the law of the state or of the district or of any rule or regulation of the district.

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

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

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the 1st day following such approval.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 155

BY REPRESENTATIVE LACOMBE
A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, relative to public funds; to authorize a political subdivision to waive charges for water under certain circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 14(B) of the Constitution of Louisiana, to read as follows:

§14. Donation, Loan, or Pledge of Public Credit

Section 14. * * *

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of public or other certificates of indebtedness to meet public obligations as provided by law; (4) the return of property, including mineral rights, to a former owner from whom the property had previously been expropriated, or purchased under threat of expropriation, when the legislature by law declares that the public and necessary purpose which originally supported the purchase or acquisition of the property has ceased to exist and orders the return of the property; (5) acquisition of stock by any institution of higher education in exchange for any intellectual property; (6) the donation of abandoned or blighted housing property by the governing authority of a municipality or a parish to a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; (7) the deduction of any tax, interest, penalty, or other charges forming the basis of tax liens on blighted property so that they may be subordinated and waived in favor of any purchaser who is not a member of the immediate family of the blighted property owner or which is not any entity in which the owner has a substantial economic interest, but only in connection with a property renovation plan approved by an administrative hearing officer appointed by the parish or municipal government where the property is located; (8) the deduction of past due taxes, interest, and penalties in favor of an owner of a blighted property, but only when the owner sells the property within 180 days of the acquisition of the property at the appraisal of the property renovation plan approved by the parish or municipal government and only after the renovation is completed such deduction being canceled, null and void, and to no effect in the event ownership of the property in the future reverts back to the owner or any member of his immediate family; (9) the donation by the state of asphalt which has been removed from state roads and highways to the governing authority of the parish or municipality where the asphalt was removed, or if not needed by such governing authority, then to any other parish or municipal governing authority; but only pursuant to a cooperative endeavor agreement between the state and the governing authority receiving the donated property; (10) the investment in stocks of a portion of the Rockefeller Wildlife Refuge Trust and Protection Fund, created under the provisions of R.S. 56:797, and the Russell Sage or Marsh Island Refuge Fund, created under the provisions of R.S. 56:798, such portion not to exceed thirty-five percent of each fund; (11) the investment in stocks of a portion of the state-funded permanently endowed funds of a public or private college or university, not to exceed thirty-five percent of the public funds endowed; (12) the investment in equities of a portion of the Medicaid Trust Fund for Injury Prevention or the Endowment Trust Fund for Early Education created under the provisions of R.S. 46:2609 et seq., such portion not to exceed thirty-five percent of the fund; (13) the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, or guarantee of public funds by a state infrastructure bank solely for transportation projects; (14) pursuant to a written agreement, the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise; or (15) a political subdivision from waiving charges for water if the charges are the result of water lost due to damage to the water delivery infrastructure and that damage is not the result of any act or failure to act by the customer being charged for the water.

* * *

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2022.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows: Do you support the amendment allowing governmental agencies to waive water charges that are the result of damage to the water system not caused by the customer? (Amends Article VII, Section 14(B))

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 156

BY REPRESENTATIVES GOUDREAU, BACALA, BAGLEY, CARRIER, FONTENOT, HORTON, TRAVIS JOHNSON, LARVADAIN, CHARLES OWEN, SELDERS, AND WRIGHT
A JOINT RESOLUTION

Proposing to amend Article X, Sections 9 and 20 of the Constitution of Louisiana, to authorize certain political activities on behalf of family members by commission members, certified employees, and officers of certain civil service commissions; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article X, Sections 9 and 20 of the Constitution of Louisiana, to read as follows:

§9. Prohibitions Against Political Activities

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article X, Sections 9 and 20 of the Constitution of Louisiana, to read as follows:

(B) Contributions. No person shall solicit contributions for political purposes from any classified employee or official or employee in the classified service, except as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(2) Support, during off duty hours, the election of a candidate for public office who is his immediate family member. For purposes of this Subparagraph, "immediate family" means a person's parent, his stepparent, his grandparent or stepgrandparent, his spouse's parent or stepparent, his child and his child's spouse, his stepchild and his stepchild's spouse, his grandchild and his grandchild's spouse, his stepgrandchild and his stepgrandchild's spouse, his sibling and his sibling's spouse, his stepsibling and his stepsibling's spouse, and his half-sibling and his half-sibling's spouse.

(3) The provisions of Subparagraph (2) of this Paragraph shall not apply to employees of the registrars of voters or employees of the elections division of the Department of State who are in the classified service.

(4)(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for public office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

* * *

§20. Political Activities

Section 20. Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect, except that an employee in the classified service of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows: Do you support the amendment allowing governmental agencies to waive water charges that are the result of damage to the water system not caused by the customer? (Amends Article VII, Section 14(B))

A true copy:

R. Kyle Ardoin
Secretary of State

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the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to allow classified civil service employees to support the election to public office of members of their own families? (Amends Article X, Sections 9 and 20)

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT NO. 157

HOUSE BILL NO. 487

BY REPRESENTATIVE ECHOLS

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(F)(2)(a) and (b) of the Constitution of Louisiana, relative to deficit avoidance; to increase the amount of allowable reductions to certain funds when there is a projected deficit; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 10(F)(2)(a) and (b) of the Constitution of Louisiana, to read as follows:

ARTICLE VII

§10. Expenditure of State Funds

Section 10.

(F) Projected Deficit.

(2)(a) Notwithstanding any other provision of this constitution to the contrary, adjustments to any constitutionally protected or mandated allocations or appropriations, and transfer of monies associated with such adjustments, are authorized when state general fund allocations or appropriations have been reduced in an aggregate amount equal to at least seven-tenths of one percent of the total of such allocations and appropriations for a fiscal year. Such adjustments may not exceed ten percent of the total appropriation or allocation from a fund for the fiscal year. For purposes of this Subparagraph, reductions to expenditures required by Article VIII, Section 13(B) of this constitution shall not exceed one percent and such reductions shall not be applicable to instructional activities included within the purposes of instruction pursuant to the Minimum Foundation Program formula. Notwithstanding any other provisions of this constitution to the contrary, monies transferred as a result of such budget adjustments are deemed available for appropriation and expenditure in the year of the transfer from one fund to another, but in no event shall the aggregate amount of any transfers exceed the amount of the deficit.

(b) Notwithstanding any other provision of this constitution to the contrary, for the purposes of the budget estimate and enactment of the budget for the next fiscal year, when the official forecast of recurring revenues for the next fiscal year is at least one percent less than the official forecast for the current fiscal year, the following procedure may be employed to avoid a budget deficit in the next fiscal year. An amount not to exceed five percent of the total appropriations or allocations for the current fiscal year from any fund established by law or this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or this constitution. For the purposes of this Subparagraph, an amount not to exceed one percent of the current fiscal year appropriation for expenditures required by Article VIII, Section 13(B) of this constitution shall be available for expenditures for other purposes in the next fiscal year. Notwithstanding any other provisions of this constitution to the contrary, monies made available as authorized under this Subparagraph may be transferred to a fund for which revenues have been forecast to be less than the revenues in the current fiscal year for such fund. Monies transferred as a result of the budget actions authorized by this Subparagraph are deemed available for appropriation and expenditure, but in no event shall the aggregate amount of any such transfers exceed the amount of the difference between the official forecast for the current fiscal year and the next fiscal year.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 9, 2021.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to increase the amount of allowable deficit reductions to statutory dedications and constitutionally protected funds from five percent to ten percent? (Amends Article VII, Section 10(F)(2)(a) and (b))

A true copy:

R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill

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CODING: Words in _italics_ type are additions from existing law; words __underlined__ and __scored__ (House Bills) and __underscored__ and __boldfaced__ (Senate Bills) are additions.
A court for the purposes of this Chapter. Where applicable, “court” shall refer to the particular court which exercises juvenile jurisdiction over the child whose case is to be reviewed.

§1082. Definitions

§1082. Definitions

Definitions provided in R.S. 13:1569 and in Article 13 of the Code of Juvenile Procedure the Children’s Code shall be applicable to this Part, unless the context clearly indicates otherwise.

§1089.1. Construction of Subpart; controlling law

A. To the extent that the provisions of this Subpart are inconsistent with any other statutory law, the provisions of this Subpart shall be deemed considered controlling, except that all provisions of the Children’s Code of Juvenile Procedure relative to the placement of juveniles in shelter care facilities and detention centers shall be deemed considered controlling.

§1099.1. Construction of Subpart; controlling law

To the extent that the provisions of this Subpart are inconsistent with any other statutory law, the provisions of this Subpart shall be deemed considered controlling, except that all provisions of the Children’s Code of Juvenile Procedure relative to the placement of juveniles in shelter care facilities and detention centers shall be deemed considered controlling.

§175. Severability

B. Whenever a child has been placed in the custody of the department, voluntarily and not through a court proceeding, for reasons other than delinquency or need of supervision, as defined in Article 13 of the Children’s Code of Juvenile Procedure, the department shall, within ten days, forward a copy of the placement agreement to the clerk of court in the judicial district where the child is located. The clerk of the court shall forward the placement agreement to a local citizen review board appointed by the court. If a judicial proceeding is commenced in another court, the citizen review board shall forward to the court where proceedings are pending all documents, records, and written information in its possession relative to the case. The receiving court shall make and retain additional copies of the case permanency plan, case progress reports, and observations and recommendations of the local citizen review board and shall assign the case and forward all documents, records, and written information to a new local board.

§1901. Definitions

R. Kyle Ardoin
Secretary of State

ACT No. 159

SENATE BILL NO. 41
BY SENATOR BERNARD
Prefiled Pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact R.S. 22:801 and 802 and to repeal R.S. 22:145, 171, 254(A), (B), (D), (E), and (F), 257(A)(9), 322(A)(13), 333(B), and (C), 341(C), 804, 807, and 808, relative to deposits by insurers; to provide for the terms and conditions of making and maintaining deposits; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 9. R.S. 22:801 and 802 are hereby amended and reenacted to read as follows:

§801. General deposit; foreign and alien insurer; Commissioner authorized to hold deposits

A. If a deposit in this state is required by another state or jurisdiction as a condition of seeking or maintaining a license or certificate of authority or insurance, subdivision thereof, of the market value of not less than one hundred thousand dollars has been made. Such approval shall be made by the commissioner of insurance.

B. If a deposit in this state is required by another state or jurisdiction as a condition of seeking or maintaining a license or certificate of authority or surplus lines approval in that state or jurisdiction, an insurer authorized in Louisiana may make the deposit as provided in this Section.

(1) The insurer shall notify the commissioner in writing of the intent to make the deposit. This notice shall include the reason for the deposit and the amount

THE ADVOCATE

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As it appears in the enrolled bill
of the deposit to be held and shall specifically identify each jurisdiction for
which the deposit is required.
(3) The deposit shall be made in a bank doing business in this state or a savings
and loan association chartered to do business in this state and shall be pledged
to the commissioner as provided in this Section.
(4) Deposits made pursuant to this Section shall be held in trust for the benefit
and protection of, and as security for, all policyholders and creditors of the
insurer making the deposit.
B. The commissioner may, as a condition of the issuance or maintenance of a
certificate of authority in this state, order an insurer to make and maintain a
deposit based upon the type, volume, or nature of insurance business
transacted. Deposits made pursuant to this subsection shall be held pursuant to
the requirements and conditions ordered by the commissioner.
C. Deposits made pursuant to this Section shall be in the form of money or
in approved bonds of the United States, the state of Louisiana, or any political
subdivision of the state of the United States, which have a market value of not less than the
required amount of the deposit, as specified by the insurer and approved by the commissioner.
D. Every insurer making a deposit in compliance with this Section shall, no
later than the first of March each year, provide to the commissioner a safekeeping
receipt from the bank or savings and loan association holding the deposit
confirming the amount of the deposit, identifying the nature of the deposit, and
confirming the fact that the deposit is pledged to the commissioner.

§802. Condition Release of deposits
The deposit required by R.S. 22:801 shall be conditioned only for, and
dedicated exclusively to, the prompt payment of all claims arising and
accruing to any person by virtue of any policy issued by any such insurer upon
the life or person of any citizen of the state of Louisiana, or upon any property
or other risk situated in this state. Under no circumstances shall such deposit
be used for the payment of any fee whatsoever to any attorney, agent, or other
person or firm for any service or work rendered in connection with any ancillary
conservation, ancillary receivership, or any other supervisory proceeding or
matter involving the company making such deposit.
A. When an insurer desires to withdraw any deposit or portion of a deposit
made in this state pursuant to R.S. 22:801, the insurer shall make a written
request to the commissioner for release of the funds.
B. For deposits held pursuant to R.S. 22:801(A), the commissioner shall give
notice of the withdrawal request to the insurance commissioner or other proper
supervisory official of every state for which the deposit was required.
C. For deposits held pursuant to R.S. 22:801(A), the commissioner shall, no less
than thirty days after the notice to other states, authorize the bank or savings
and loan holding the deposit to release the deposit, unless he receives objection
from the insurance commissioner or other proper supervisory official of a state for
which the deposit was required.
D. For deposits held pursuant to R.S. 22:801(B), the commissioner shall not
release the deposit, unless he determines that the grounds or conditions which
led to the order requiring the deposit no longer exist.
E. If an insurer is placed into liquidation, or if an insurer is placed into
receivership and liquidation in this state, any deposit made in this state may be surrendered to the receiver pursuant
to an order of the receivership court.

Section 2. This Act shall become effective on July 1, 2021, or on the day following such approval.
Approved by the Governor, June 11, 2021.

ACT No. 162
SENATE BILL NO. 58
BY SENATOR WOMACK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

To amend and reenact R.S. 3:2856 and to enact Civil Code Article 3419.1, relative to the identification of impounded animals; to require permanent identification of certain impounded animals; to provide for recordkeeping requirements; to provide for effectiveness; to provide for determination of ownership of domestic animals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:2856 is hereby amended and reenacted to read as follows:
§2856. Branding of animals impounded
A. Every animal impounded shall be branded, burned into the hide of the animal, which, together with a description of
the animal, shall be entered on a record to be kept by the pound keeper.

B. Every impounded animal shall be branded, burned into the hide of the animal, which, together with a description of
the animal, shall be entered on a record to be kept by the pound keeper.

C. Every pound keeper shall provide the animal, when impounded, with an impoundment receipt, and the animal shall be
branded, burned into the hide of the animal, which, together with a description of
the animal, shall be entered on a record to be kept by the pound keeper.

D. For deposits held pursuant to R.S. 22:801(A), the commissioner shall, no less
than thirty days after the notice to other states, authorize the bank or savings
and loan holding the deposit to release the deposit, unless he receives objection
from the insurance commissioner or other proper supervisory official of a state for
which the deposit was required.

E. For deposits held pursuant to R.S. 22:801(B), the commissioner shall not
release the deposit, unless he determines that the grounds or conditions which
led to the order requiring the deposit no longer exist.

F. If an insurer is placed into liquidation, or if an insurer is placed into
receivership and liquidation in this state, any deposit made in this state may be surrendered to the receiver pursuant
to an order of the receivership court.

Section 2. This Act shall become effective upon signature by the governor
or, if not signed by the governor, upon expiration of the time for bills to
become law without signature by the governor, as provided by Article III,
Section 18 of the Constitution of Louisiana. If vetoed by the governor and
subsequently approved by the legislature, this Act shall become effective on
the day following such approval.
Approved by the Governor, June 11, 2021.

A true copy,
R. Kyle Ardoin
Secretary of State
To enact Code of Civil Procedure Article 4566(K), relative to the management of affairs of an interdict; to provide for the establishment and maintenance of deposit accounts; and to provide for related matters.

Section 1. Code of Civil Procedure Article 4566(K) is hereby enacted to read as follows:

Art. 4566. Management of affairs of an interdict

Section 1.  Code of Civil Procedure Article 4566(K) is hereby enacted to read as follows:

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 163

SENATE BILL NO. 62
BY SENATOR MILLIGAN
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To enact Code of Civil Procedure Article 4566(K), relative to the management of affairs of an interdict; to provide for the establishment and maintenance of deposit accounts; and to provide for related matters.

Section 1. Code of Civil Procedure Article 4566(K) is hereby enacted to read as follows:

K. Notwithstanding the requirements of Article 4270 or any other provision of law to the contrary, a curator shall have authority to access deposit accounts held in the name of the interdict and authority to establish and maintain deposit accounts in the name of the “curator on behalf of the interdict”, unless the letters of curatorship expressly limit such authority.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 164

SENATE BILL NO. 70
BY SENATOR ABRAHAM P
referred to the Senate Committee on Appropriations.

To enact R.S. 22:1267.1, relative to commercial insurance; to provide for definitions; to provide with respect to commercial property insurance deductibles applied to named storm, hurricane, and wind and hail deductibles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1267.1 is hereby enacted to read as follows:

§1267.1. Commercial insurance deductibles applied to named storm, hurricane, and wind and hail deductibles

A. For purposes of this Section:

(1) “Hurricane” means a storm system that has been declared a hurricane by the National Hurricane Center of the National Weather Service.

(2) “Named storm” means a storm system that has been declared a named storm by the National Hurricane Center of the National Weather Service.

(3) “Separate deductible” means a deductible that applies to direct physical loss or damage resulting from a specified weather event and may be expressed as a percentage of the insured value of the property or as a specific dollar amount and includes hurricane, named storm, and wind and hail deductibles.

B. For all authorized commercial property insurance policies and authorized commercial multi-peril insurance policies issued or renewed by an authorized insurer on or after August 1, 2021, any separate deductible that applies in place of any other deductible to direct physical loss or damage resulting from a named storm or hurricane shall be applied on an annual basis to all named storm or hurricane losses that are subject to the separate deductible during the calendar year.

C. If an insured suffers direct physical loss or damage resulting from more than one named storm or hurricane during a calendar year that is subject to the separate deductible provided in Subsection B of this Section, the insurer may apply a deductible to any succeeding named storm or hurricane that is equal to the remaining amount of the separate deductible for the current calendar year and the deductible for the current calendar year.

D. If an insured suffers direct physical loss or damage resulting from a covered loss as provided in this Section, but changes insurance companies during the calendar year for the previously claimed property or renew a policy which includes a deductible of a different amount, the insured is subject to a new named storm or hurricane deductible under the new or renewed insurance policy for the same property if the new policy includes such a deductible.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 165

SENATE BILL NO. 73

THE ADVOCATE

* As it appears in the enrolled bill

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(iii) Hybrid securities, excluding surplus notes, subordinated debt issues which have no coupon deferral features, and traditional preferred stocks.

5. "Debt instrument" means a security of a certified capital company.

6. “Business entity” includes a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy, or other similar form of business organization, whether organized for-profit or not-for-profit.

7. “Capital and surplus” means the sum of the capital and surplus of the insurer required to be shown on the statutory financial statement of the insurer most recently required to be filed with the commissioner.

8. “Cash equivalents” means short-term, highly rated, and highly liquid investments readily convertible to known amounts of cash without penalty and so near maturity that the present insignificance of risk of change in value. Cash equivalents include money market mutual funds. For purposes of this definition:

(a) “Short-term” means investments with a remaining maturity of nine days or less.

(b) “Highly rated” means an investment rated “P-1” by Moody’s Investors Service, Inc., or “A-1” by Standard & Poor’s Global Ratings or its equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

9. “Collar” means an agreement to receive payments as the buyer of an option, cap, or floor and to make payments as the seller of a different option, cap, or floor.

10. “Compensation” as defined by R.S. 22:691.2.

11. “Counterparty” exposure amount means:

(a) The net amount of credit risk attributable to a derivative instrument executed with a business entity other than through a qualified exchange, qualified foreign exchange, or cleared through a qualified clearinghouse, also referred to as “the over-the-counter derivative instrument”. The amount of credit risk equals:

(i) The market value of the over-the-counter derivative instrument if the liquidation of the derivative instrument would result in a final cash payment to the counterparty in an amount sufficient to cover the net market value of the derivative instrument.

(ii) Zero if the liquidation of the derivative instrument would not result in a final cash payment to the insurer.

(b) If over-the-counter derivative instruments are executed under a written master agreement which provides for netting of payments owed by the respective counterparties, the net amount of credit risk shall be the greater of zero or the net sum of either of the following:

(i) The market value of the over-the-counter derivative instruments executed under the agreement, the liquidation of which would result in a final cash payment to the insurer.

(ii) The market value of the over-the-counter derivative instruments executed under the agreement, the liquidation of which would result in a final cash payment to the business entity.

(c) For open transactions, market value shall be determined at the end of the most recent quarter of the insurer’s fiscal year and shall be reduced by the market value of any collateral, non-cancelable collateral held by the insurer or placed in escrow by one or both parties.

12. “Covered” means:

(a) An insurer owns or can immediately acquire, through the exercise of options, warrants, or conversion rights already owned, the shares of stock, partnership interest, or a security under a debt option, cap, or floor it has written, or has set aside under a custodial or escrow agreement cash or cash equivalents with a market value equal to the amount required to fulfill its obligations under a put option if it has written, in an income generation transaction.

(b) “Derivative instrument” means an agreement, option, instrument, or a series or combination thereof:

(i) To make or take delivery of, or assume or relinquish, a specified amount of one or more underlying interests, or to make a cash settlement in lieu thereof.

(ii) To make or take delivery of, or assume or relinquish, a specified amount of one or more underlying interests, or to make a cash settlement in lieu thereof. However, a swap shall not be included as a derivative instrument, if the swap meets any of the following:

(a) Invests only in obligations issued, guaranteed, or insured by the United States or collateralized repurchase agreements composed of these obligations.

(b) Qualifies for investment without a reserve under the Purposes and Procedures Manual of the NAIC Investment Analysis Office or any successor publication.

(c) “Qualified guarantor” means a guarantor against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction.

(d) “Qualified primary credit source” means the credit source to which an insurer looks for payment as to an investment and against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction.

(e) “Government sponsored enterprise” means any of the following:

(a) Governmental agency.

(b) Corporation, limited liability company, association, partnership, joint venture, or other similar form of business organization, whether organized for-profit or not-for-profit.

(c) “Future” means an agreement, other than a future, to make or take delivery of or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests.

(d) “Forward” means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor price or rate, exceeds a reference price, less any specified amount, or specified amount of value of one or more underlying interests.

(e) “Highly rated” means an investment rated “A-1” by Standard & Poor’s Global Ratings or its equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

(f) “Equity interest” means any of the following that are not bonds:

(a) Common stock.

(b) Mutual fund.

(c) Exchange-traded fund.

(d) American Depositary Receipt.

(e) Real Estate Investment Trust.

(f) Trust certificate.

(g) Investment in a common trust fund of a bank regulated by the Federal Reserve Board or state authority.

(h) Shares of insured state-chartered building and loan or homestead associations and federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation as specifically set forth in Title VI of the National Housing Act, 12 U.S.C. 1711 et seq.

(i) Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired.

(j) “Shell business entity” means a business entity having no economic relationship to the insurer, other than through a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests.

(k) “Foreign jurisdiction” means a jurisdiction other than a domestic jurisdiction.

(l) “Foreign investment” means an investment in a foreign jurisdiction or in an investment in a re-course fund means funds registered as open-end investment companies or unit investment trusts under 15 U.S.C. 80a-1 et seq., as amended.

(m) “Future” means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor price or rate, exceeds a reference price, less any specified amount, or specified amount of value of one or more underlying interests.

(n) “Highly rated” means an investment rated “A-1” by Standard & Poor’s Global Ratings or its equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

(o) “Equity interest” means any of the following that are not bonds:

(a) Common stock.

(b) Mutual fund.

(c) Exchange-traded fund.

(d) American Depositary Receipt.

(e) Real Estate Investment Trust.

(f) Trust certificate.

(g) Investment in a common trust fund of a bank regulated by the Federal Reserve Board or state authority.

(h) Shares of insured state-chartered building and loan or homestead associations and federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation as specifically set forth in Title VI of the National Housing Act, 12 U.S.C. 1711 et seq.

(i) Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired.

(j) “Shell business entity” means a business entity having no economic relationship to the insurer, other than through a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests.

(k) “Future” means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor price or rate, exceeds a reference price, less any specified amount, or specified amount of value of one or more underlying interests.

(l) “Highly rated” means an investment rated “A-1” by Standard & Poor’s Global Ratings or its equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

(m) “Equity interest” means any of the following that are not bonds:

(a) Common stock.

(b) Mutual fund.

(c) Exchange-traded fund.

(d) American Depositary Receipt.

(e) Real Estate Investment Trust.

(f) Trust certificate.

(g) Investment in a common trust fund of a bank regulated by the Federal Reserve Board or state authority.

(h) Shares of insured state-chartered building and loan or homestead associations and federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation as specifically set forth in Title VI of the National Housing Act, 12 U.S.C. 1711 et seq.

(i) Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired.

(j) “Shell business entity” means a business entity having no economic relationship to the insurer, other than through a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests.

(k) “Future” means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor price or rate, exceeds a reference price, less any specified amount, or specified amount of value of one or more underlying interests.

(l) “Highly rated” means an investment rated “A-1” by Standard & Poor’s Global Ratings or its equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

(m) “Equity interest” means any of the following that are not bonds:

(a) Common stock.

(b) Mutual fund.

(c) Exchange-traded fund.

(d) American Depositary Receipt.

(e) Real Estate Investment Trust.

(f) Trust certificate.

(g) Investment in a common trust fund of a bank regulated by the Federal Reserve Board or state authority.

(h) Shares of insured state-chartered building and loan or homestead associations and federal savings and loan associations, if such shares are insured by the Federal Savings and Loan Insurance Corporation as specifically set forth in Title VI of the National Housing Act, 12 U.S.C. 1711 et seq.

(i) Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired.
stock company, joint venture, trust, or other entity or instrumentality organized under the laws of any domestic jurisdiction to accomplish a public policy or other purpose.

(29) “Guaranteed or insured”, when used in connection with an obligation acquired pursuant to this Subpart, means that the guarantor or insurer has agreed to one of the following:

(a) Perform or insure the obligation of the obligor or purchase the obligation.

(b) Purchase the obligation or the proceeds of the obligation, subject to the condition of being paid with dividends, interest, or other moneys that at all times are available for its payment.

(30) “Hedging transaction” means a derivative transaction which is entered into or executed with the express purpose of meeting the following generally recognized sources of risk:

(a) The risk of a change in the value, yield, price, cash flow, or quantity of assets or liabilities which the insurer has acquired or incurred or anticipates acquiring or incurring.

(b) The currency exchange rate risk or the degree of exposure as to assets or liabilities which an insurer has acquired or incurred or anticipates acquiring or incurring.

(31) “Income” means, as to a security, interest, accrual of discount, dividends, or other distributions, such as rights, tax or assessment credits, warrants and distributions in kind.

(32) “Income generation transaction” means a derivative transaction involving the writing of covered call options, covered put options, covered caps, or covered floors that is intended to generate income or enhance return.

(33) “Insurance future” means a future relating to an index or pool that is based on insurance-related items.

(34) “Insurance futures option” means an option on an insurance future.


(36) “Investment company series” means an investment portfolio of an investment company that is organized as a series company and to which assets of the investment company have been specifically allocated.

(37) “Investment practices” means transactions of the types described in R.S. 49

(38) “Investment subsidiary” means a subsidiary of an insurer engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer if each subsidiary agrees to limit its investment so that its investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations or avoid any other provisions of this Subpart applicable to the insurer. As used in this Subpart, the total investment of the insurer shall include all of the following:

(a) Direct investment by the insurer in an asset.

(b) The insurer’s proportionate share of an investment in an asset by an investment subsidiary of the insurer, which shall be calculated by multiplying the amount of the subsidiary’s investment by the percentage of the insurer’s ownership interest in the subsidiary.

(39) “Limited liability company” means a business organization, excluding partnerships and ordinary business corporations, organized or operating under the laws of the United States or any state thereof that limits the personal liability of investors in the equity investment of the investor in the business entity.

(40) “Listed bond fund” means a mutual fund, or an exchange-traded fund, that at all times is listed as eligible for reporting as a long-term bond within the Purposes and Procedures Manual of the NAIC Investment Analysis Office or any successor publication.

(41) “Market value” means:

(a) As to cash and letters of credit, the amounts thereof.

(b) As to a security as of any date, the price for the security on that date obtained from a generally recognized source or the most recent quotation from a public secondary market.

(c) If no generally recognized source or public secondary market exists, the price for the security as determined in good faith by the parties to the transaction, plus accrued but unpaid interest thereon to the extent not included in the price as of that date.

(42) “Money market mutual fund” means a mutual fund that meets the conditions of 17 CFR Part 270.2a-7, under 15 U.S.C. 80a-1 et seq., as amended or renumbered.

(43) “Mortgage loan” means an obligation secured by a mortgage, deed of trust, trust deed, or other consensual lien on real estate.

(44) “Multilateral development bank” means an international development organization of which the United States is a member.

(45) “Mutual fund” means an investment company or, in the case of an investment company that is organized as a series company, an investment company series that, in either case, is registered with the United States Securities and Exchange Commission under 15 U.S.C. 80a-1 et seq., as amended.

(46) “Obligation” means a bond, note, debenture, trust certificate including an equipment certificate, production payment, negotiable bank certificate of deposit, bankers’ acceptance, and other evidence of indebtedness for the payment of money, obligations of participations, certificates, or other evidences of an interest in any of the foregoing, whether constituting a general obligation of the issuer or payable only out of certain revenues or certain funds pledged or otherwise dedicated for payment.

(47) “Option” means an agreement giving the buyer the right to buy or receive, known as a “call option”, sell or deliver, known as a “put option”, enter into, extend or terminate or effect a cash settlement based on the actual or expected price of a security, and any other contract entered into by an insurer to acquire or sell a security or a financial instrument, whether or not the transaction is entered into in the marketplace.

(48) “Person” means an individual, a business entity, a multilateral development bank, or a government or quasi-governmental body, such as a political subdivision or a government-sponsored enterprise.

(49) “Potential exposure” means the amount determined in accordance with the NAIC’s Azimuth Statement Instructions, as amended.

(50) “Preferred stock” means preferred, preference, or guaranteed stock of a business entity authorized to issue the stock, that has a preference in liquidation over the common stock of the business entity.

(51) “Qualified foreign exchange” means a derivative instrument that is entered into or executed with the express purpose of meeting one or more of the following:

(a) A national bank, state bank, or trust company that at all times is no less than adequately capitalized as determined by standards adopted by United States banking regulators and that is either regulated by state banking laws or is under the supervision of the Federal Reserve Bank of New York.

(b) A bank or trust company incorporated or organized under the laws of a country other than the United States that is regulated as a bank or trust company by that country’s government or an agency thereof and that at all times is no less than adequately capitalized as determined by the standards adopted by internationally-recognized authorities.

(52) “Securities lending transaction” means a transaction in which securities are loaned by an insurer to a business entity that is obligated to return the securities.
loaned securities or equivalent securities to the insurer, either within a specified period or upon demand.

(9) “Receivables” means an investment company that is organized as a series company, as defined in 17 CFR 270.18f-2(a) adopted pursuant to 15 U.S.C. 80a-1 et seq., as amended.

(64) “State” means a state, territory, or possession of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico.

(65) “Series company” means an investment company that is organized as a series company, as defined in 17 CFR 270.18f-2(a) adopted pursuant to 15 U.S.C. 80a-1 et seq., as amended.

(66) “Swap” means an agreement to exchange or to net payments at one or more times based on the actual or expected price, level, performance, or value of specified financial instruments.

(67) “Underlying security” means the assets, liabilities, other interests, or a combination thereof underlying a derivative instrument, such as any one or more securities, currencies, rates, indices, commodities, or derivative instruments.

(68) “Underwriting agreement” means an instrument that gives the holder the right to purchase an underlying financial instrument at a given price and time or at a series of prices and times outlined in the warrant agreement. Warrants may be issued alone or in connection with the sale of other securities, for example, as part of a merger or recapitalization agreement, or to facilitate divestiture of the securities of another business entity.

§601.2. General investment qualifications
A. Insurers may acquire, hold, or invest in investments or engage in investment practices as set forth in this Subpart only. Investments not conforming to this Subpart shall not be admitted assets.

B. No security or other investment shall be eligible for purchase or acquisition pursuant to this Subpart unless it is interest bearing or interest accruing or dividend or interest paying or eligible for dividends or income; is not then in default or default in payment of the interest or income accruing thereon; and is not otherwise an investment that would cause, may order, pursuant to rules or regulations promulgated and adopted in accordance with the Administrative Procedure Act, an insurer to make changes necessary to comply with the provisions of this Subpart.

C. Except as provided in Subsections D and E of this Section, an investment shall qualify pursuant to this Subpart if, on the date of acquisition, the investment meets all requirements of this Subpart.

D. (1) An investment held as an admitted asset by an insurer on January 1, 2022, which qualified pursuant to this Title shall remain qualified as an admitted asset pursuant to this Subpart.

(2) Each specific transaction constituting an investment practice of the type described in this Subpart that was lawfully executed by an insurer and was in effect on January 1, 2022, shall continue to be permitted pursuant to this Subpart until its expiration or termination under its terms.

E. An investment qualified, in whole or in part, for acquisition or holding as an admitted asset may be qualified or requalified at the time of acquisition or any later date, in whole or in part, pursuant to any other Section in this Subpart if the relevant conditions contained in the other Section are satisfied at the time of acquisition.

F. An insurer may acquire or hold as admitted assets any of the following investments that do not otherwise qualify as provided in this Subpart if the insurer has not acquired them for the purpose of circumventing any limitations contained in this Subpart.

G. An investment qualified, in whole or in part, for acquisition or holding as an admitted asset may be qualified or requalified at the time of acquisition or any later date, in whole or in part, pursuant to any other Section in this Subpart if the relevant conditions contained in the other Section are satisfied at the time of acquisition.

H. An investment or portion of an investment acquired by an insurer pursuant to Subpart F of this Section shall become a nonadmitted asset three years, or five years in the case of mortgage loans and real estate, from the date of its acquisition, unless within that period the investment has become a qualified investment pursuant to this Subpart, except as provided in Subsection F of this Section.

I. An investment qualified, in whole or in part, under the provisions of Subpart F of this Section shall not be treated as income in respect of annuities or in connection with the reinvestment of any amounts received under any bulk reinsurance, merger, or consolidation.

J. An investment qualified, in whole or in part, under the provisions of Subpart F of this Section shall not be treated as income in respect of annuities or in connection with the reinvestment of any amounts received under any bulk reinsurance, merger, or consolidation.

K. An investment or portion of an investment acquired by an insurer pursuant to Subpart F of this Section shall become a nonadmitted asset three years, or five years in the case of mortgage loans and real estate, from the date of its acquisition, unless within that period the investment has become a qualified investment pursuant to this Subpart, except as provided in Subsection F of this Section.

L. An investment qualified, in whole or in part, under the provisions of Subpart F of this Section shall not be treated as income in respect of annuities or in connection with the reinvestment of any amounts received under any bulk reinsurance, merger, or consolidation.

M. An investment or portion of an investment acquired by an insurer pursuant to Subpart F of this Section shall become a nonadmitted asset three years, or five years in the case of mortgage loans and real estate, from the date of its acquisition, unless within that period the investment has become a qualified investment pursuant to this Subpart, except as provided in Subsection F of this Section.

N. An investment qualified, in whole or in part, under the provisions of Subpart F of this Section shall not be treated as income in respect of annuities or in connection with the reinvestment of any amounts received under any bulk reinsurance, merger, or consolidation.
of this Subsection:

1. Liquidity:
2. Credit and default.
3. Systemic (market).
4. Interest rate.
5. Call, prepayment, and extension.
7. Legal identity.
8. Title to the investment.
9. The amount of the insurer's assets, capital and surplus, premium writings, insurance in force, and other appropriate characteristics.
10. The amount and adequacy of the insurer's reported liabilities.
11. The nature of the expected cash flows of the insurer's assets and liabilities and the risks of adverse changes in the insurer's assets and liabilities.
12. The adequacy of the insurer's capital and surplus to secure the risks and liabilities of the insurer.

13. Whether factors relevant to whether an investment is appropriate.

B. The investment policy or information related to the investment policy provided to the commissioner for review pursuant to this Subpart shall be considered confidential and exempt from the provisions of law relative to public records as provided in R.S. 44:4.1(B)(11) and shall not be subject to subpoena pursuant to R.S. 22:1984(D).

§601.4. Authorization of investments by the board of directors

A. Except as to the policy loans of a life insurer, investments acquired and held under this Subpart shall be acquired and held under the supervision and direction of the board of directors of the insurer. The board of directors shall evidence by formal resolution, at least annually, that it has determined whether all investments have been made in accordance with delegations, standards, limitations, and investment objectives prescribed by the board or a committee of the board charged with the responsibility to direct its investments.

B. At least quarterly, and more frequently if considered appropriate, the insurer's board of directors or a committee of the board of directors shall receive and review a summary report on the insurer's investment portfolio, its investment activities, and investment practices engaged in under its authority. In order to determine whether the investment activity of the insurer is consistent with its written plan.

C. In discharging its duties pursuant to this Section, the board of directors shall require that records of any authorizations or approvals, other documentation as the board may require, and reports of any action taken under authority delegated under the plan referred to in Subsection A of this Section be made available on a regular basis to the board of directors.

D. In discharging their duties pursuant to this Section, the board of directors of an insurer shall perform their duties in good faith and with the due care that ordinarily prudent individuals in like positions would use under similar circumstances.

E. Investments shall be sufficient in value, liquidity, and diversity to assure that ordinarily prudent individuals in like positions would use under similar circumstances.

F. Investments shall be diversified in a manner that ordinarily prudent individuals in like positions would use under similar circumstances.

G. To each such investment or loan, the insurer's records shall contain all the following:

1. In the case of loans:
   a. The name of the borrower.
   b. The location and legal description of the property.
   c. A physical description and the appraised value of the security.
   d. The amount of the loan, rate of interest, and terms of repayment.

2. In the case of securities:
   a. The name of the obligor and a description of the security.
   b. The amount invested.
   c. The rate of interest or dividend.
   d. The maturity and yield based upon the purchase price.

3. In the case of real estate:
   a. The location and legal description of the property.
   b. A physical description and the appraised value.
   c. The purchase price and terms.

4. In the case of all investments:
   a. The amount of expenses estimated, if details are not available, and commissions, if any are incurred on account of any investment or loan, and by whom the matter was handled.
   b. The name of any officer or director of the insurer having any direct, indirect, or contingent interest in the securities or loan representing the investment, or in the assets of the person on whose behalf the investment or loan is made, and the nature of such interest.

§601.5. Valuation of investments

The value or amount of an investment acquired or held, or an investment practice engaged in, pursuant to this Subpart, unless otherwise specified in this Title, shall be the value at which assets of an insurer are required to be reported for statutory accounting purposes as determined in accordance with procedures prescribed in published and validated standards of the NAIC, including the Purposes and Procedures Manual of the Securities Valuation Office of the NAIC, the Accounting Practices and Procedures Manual, the Annual Statement Instructions, or any successor valuation procedures officially adopted by the NAIC.

§601.6. General limitation on investment in obligations of a single person

A. Except as otherwise specified in this Subpart, no insurer shall acquire, except with the consent of the commissioner, an investment pursuant to this Subpart if, as a result of and after giving effect to the investment, the insurer would have invested five percent of its admitted assets in investments of all kinds issued, assumed, accepted, insured, or guaranteed by a single person.

B. The limitations of Subsection A of this Section shall not apply to the following items:

1. Mortgages issued, assumed, guaranteed, or insured by the United States, or a government sponsored enterprise of the United States, if the instruments are otherwise backed or supported by the full faith and credit of the United States.

2. Investments in, or loans upon the security of, general obligations of any state or territory of the United States, or the District of Columbia.

3. Investments issued by a listed bond fund.

4. Investments issued by a multilateral development bank pursuant to R.S. 22:601.12(E).

5. Mortgage loans as provided in R.S. 22:601.9.


7. Policy loans made pursuant to R.S. 22:601.16(3).

8. Subordinated securities authorized under R.S. 22:691.3.


10. Investments in, or loans upon the security of, general obligations of any state, if the instruments are general obligations of the state.

11. Any other factors relevant to whether an investment is appropriate.

C. An insurer may acquire bond obligations that are not nationally recognized securities rating organizations or a rating by the NAIC's Valuation Office of the NAIC, the Accounting Practices and Procedures Manual, the Annual Statement Instructions, or any successor valuation procedures officially adopted by the NAIC.

D. Any insurer may acquire asset-backed securities having a current and continuing minimum quality rating of NAIC one or two by one or more of the nationally recognized securities rating organizations or a rating by the NAIC's SVO.

E. No domestic insurer shall invest in excess of five percent of its admitted assets in any one issue of asset-backed obligations.

F. In addition to those investments eligible pursuant to Subsections A, B, C, and D of this Section, an insurer may acquire bond obligations that are not foreign investments.
§601.8. Equity interests
A. An insurer may acquire preferred stocks in any United States business entity, or any trust certificates, which the commissioner of insurance may accept if he is satisfied that the apraiser is competent and disinterested.

E. No insurer shall acquire an investment pursuant to this Section or R.S. 22:601.10(B) if, as a result of and after giving effect to the investment and any guarantees made by the insurer in connection with the investment, the aggregate amount of preferred stocks, trust certificates, or other similar investments then held by the insurer pursuant to this Section or R.S. 22:601.10(B) plus the guarantees then outstanding would exceed forty-five percent of its admitted assets.

F. Notwithstanding any other provision of law to the contrary, a domestic insurer is entitled to the same benefits and exemptions relative to state usury laws, specifically R.S. 9:3500 and 50:2, granted to banks and savings and loan associations pursuant to the Depository Institutions Deregulation and Monetary Control Act of 1980, 12 U.S.C. 1735f-7, as amended. The rate of interest shall be fixed in writing, and testimonial proof of it shall not be admitted in any case.

§601.9. Mortgage loans
A. An insurer may acquire, either directly, indirectly through limited partnership interests and general partnership interests not otherwise prohibited, joint ventures, stock of an investment subsidiary or membership interests in a limited liability company, trust certificates, or other similar securities, immovable property, and businesses in which the insurer or any affiliates have not the exclusive management and control of the property and in case of the insolvency of any participatining insurer, an insurer is entitled to the same benefits and exemptions relative to state usury laws, specifically R.S. 9:3500 and 50:2, granted to banks and savings and loan associations pursuant to the Depository Institutions Deregulation and Monetary Control Act of 1980, 12 U.S.C. 1735f-7, as amended.

D. Orders or decisions of the commissioner of insurance shall be subject to the same minimum standards, policies, and procedures as the department of insurance.

E. No insurer shall acquire an investment pursuant to this Section if as a result of and after giving effect to the investment and any outstanding guarantees made by the insurer in connection with the investment, the aggregate amount of preferred stocks, trust certificates, or other similar investments then held by the insurer plus the guarantees then outstanding would exceed one of the following:

(a) Five percent of its admitted assets in any one parcel or group of contiguous parcels of real estate.

(b) Fifteen percent of its admitted assets in the aggregate, but not more than five percent of its admitted assets as to properties that are to be improved or developed.

§601.11. Securities transactions; lending, repurchase, reverse repurchase, dollar roll
An insurer may execute securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities having a net worth of at least one hundred million dollars, subject to the following requirements:

(1) The insurer’s board of directors shall adopt a written plan that is consistent with what is prudent and within the provisions of R.S. 22:601.9 and which specifies guidelines and objectives to be followed, including but not limited to the following:

(a) A description of how cash received will be invested or used for general corporate purposes of the insurer.

(b) Operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from repurchase transactions may be used in the ordinary course of business, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction.

(c) The maturity of the repurchase agreements and the terms of the transactions.

(2) The insurer shall execute a written agreement for all transactions authorized in this Section other than dollar roll transactions. The written agreement shall require that each transaction terminate no more than one year from its inception and the insurer must have the ability to demand repayment upon the earlier demand of the insurer. The agreement shall be with the business entity counterparty, but for securities lending transactions, the agreement may be with an agent acting on behalf of the insurer, if the agent is a qualified business entity, and if the agreement does all of the following:

(a) Requires the agent to execute separate agreements with each counterparty...
that are consistent with the requirements of this Section.

(b) Prohibits securities lending transactions under the agreement with the borrower if:

(1) The amount the insurer is required by the law of the foreign jurisdiction to hold as collateral for the security purchased, sold to, or loaned to the borrower, at any time, does not exceed one-hundred twenty percent of the purchase price paid by the insurer, the market value of the security collateral, or the market value of the repurchase transaction.

(2) In a repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the repurchase transaction. The market value of the collateral includes all professional fees and expenses charged to the insurer in connection with the repurchase transaction. Any collateral received by the insurer in connection with a repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(3) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(4) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(5) In a repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the repurchase transaction. Any collateral received by the insurer in connection with a repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(6) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(7) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(8) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(9) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(10) In a repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the repurchase transaction. Any collateral received by the insurer in connection with a repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(11) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(12) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(13) In a repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the repurchase transaction. Any collateral received by the insurer in connection with a repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(14) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(15) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(16) In a repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the repurchase transaction. Any collateral received by the insurer in connection with a repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(17) In a reverse repurchase transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the reverse repurchase transaction. Any collateral received by the insurer in connection with a reverse repurchase transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.

(18) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to one-hundred twenty percent of the market value of the security collateral or the market value of the securities lending transaction. Any collateral received by the insurer in connection with a securities lending transaction shall be in a form that meets the requirements of this Section and is acceptable to the insurer.
recognized by the SVO and have either of the following:
(i) A remaining maturity of three hundred ninety-seven days or less or a put option that enables the holder to receive the principal amount of the obligation which put option may be exercised through maturity at specified intervals not exceeding three hundred ninety-seven days.
(ii) A remaining maturity of three years or less and a floating interest rate that resets at least quarterly on the basis of a current short-term index, such as federal funds, prime rate, London InterBank Offered Rate, or commercial paper, and is subject to no maximum limit, if the obligations do not have an interest rate that varies inversely to market interest rate changes.
(b) Government money market mutual funds.
(c) Securities lending, repurchase, and reverse repurchase transactions that meet all of the requirements of R.S. 22:601.11, except the quantitative limitations of R.S. 22:601.11(4).

2. Invest in only investments which an insurer may acquire pursuant to this Subpart if the insurer's proposed investment in the amount invested in these investments does not exceed the applicable limits of this Section.

B. For an investment in an investment pool to be qualified under this Subpart, the investment pool shall not do any of the following:

(1) Acquire securities issued, assumed, guaranteed or insured by the insurer or an affiliate of the insurer.
(2) Borrow or incur any indebtedness for borrowed money, except for securities lending and repurchase transactions that meet the requirements of R.S. 22:601.11, except the quantitative limitations of R.S. 22:601.11(4).
(3) Permit the aggregate value of securities then loaned or sold to be purchased from, or invested in any one business entity pursuant to this Section to exceed ten percent of the total assets of the investment pool.
(4) Acquire securities issued, assumed, guaranteed or insured by the insurer or an affiliate of the insurer.

C. The limitations of R.S. 22:601.6 shall not apply to an insurer's investment in an investment pool. No insurer shall acquire an investment in an investment pool with a maturity greater than five years or, as a result of acquiring or disposing of such investment, the aggregate amount of investments then held by the insurer pursuant to this Section would do any of the following:

(1) In any one investment pool would exceed ten percent of its admitted assets.
(2) In all investment pools investing in investments permitted pursuant to Paragraph (A)(2) of this Section would exceed twenty-five percent of its admitted assets.
(3) In all investment pools would exceed thirty-five percent of its admitted assets.

D. For an investment in an investment pool to be qualified under this Subpart, the manager of the investment pool shall meet all of the following requirements:

(1) Be organized under the laws of the United States, or by any state, and be designated as the pool manager in a pooling agreement.
(2) Be the insurer, an affiliated insurer or a business entity affiliated with the insurer, a qualified bank, a business entity registered pursuant to 15 U.S.C. 80b-1 et seq., as amended or, in the case of a reciprocal insurer or insurancelinkage, its attorney-in-fact, or in the case of a United States branch of an alien insurer, its United States manager or affiliates or subsidiaries of its United States manager.
(3) Compile and maintain detailed accounting records setting forth all of the following:
(a) The cash receipts and disbursements reflecting each participant's proportionate investment in the investment pool.
(b) A complete description of all underlying assets of the investment pool, including amount, interest rate, maturity date, if any, and other appropriate designations.
(c) Other records that allow third parties to daily verify each participant's investment in the investment pool.
(d) Maintain the assets of the investment pool in one or more accounts, in the name of or on behalf of the investment pool, under a custody agreement with a qualified bank. The custody agreement shall do all of the following:
(a) State and recognize the claims and rights of each participant.
(b) Acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its investments in the investment pool.
(c) Maintain an agreement that the underlying assets of the investment pool shall not be commingled with the general assets of the custodian qualified bank or any other person.
E. The pooling agreement for each investment pool shall be in writing and contain the following items:

(1) An insurer and its affiliated insurers or, in the case of an investment pool investing solely in investments permitted pursuant to Paragraph (A)(1) of this Section, the insurer and its subsidiaries, affiliates, or any pension or profit sharing plan of the insurer, its subsidiaries, and affiliates or, in the case of a United States branch of an alien insurer, its affiliates, or subsidiaries of its United States manager, shall, at all times, hold one hundred percent of the interests in the investment pool.
(2) No underlying assets of the investment pool shall be commingled with the general assets of the pool manager or any other person.
(3) In proportion to the aggregate amount of each participant's interest in the investment pool, both of the following shall apply:
(a) Each participant owns an undivided interest in the underlying assets of the investment pool.
(b) The underlying assets of the investment pool are held solely for the benefit of each participant.
(4) A participant, or in the event of the participant's insolvency, bankruptcy or receivership, its trustee, receiver, or other successor-in-interest, may withdraw all or any portion of its investment from the investment pool under the terms of the pooling agreement. The investment shall be considered an asset pursuant to R.S. 22:601.1(4).
(5) Withdrawals may be made on demand without penalty or other assessment on any business day, but settlement of funds shall occur within a reasonable and customary period thereafter, not to exceed five business days. Distributions under this Paragraph shall be calculated in each case net of all then applicable fees or charges that shall be charged to the investment pool. The pooling agreement shall provide that the pool manager shall distribute to a participant, at the discretion of the pool manager, any of the following:
(a) In cash, the then fair market value of the participant's pro rata share of each underlying asset.
(b) In kind, a pro rata share of each underlying asset.
(c) In a combination of cash and in-kind distributions, a pro rata share in each underlying asset.
F. Transactions between the pool and its participants shall not be subject to R.S. 22:601.7(A)(2). Investment activities of pools and transactions between pools and participants shall be reported annually in the registration statement required by R.S. 22:601.8.

§601.14. Derivative transactions
An insurer may, directly or indirectly through an investment subsidiary, engage in derivative transactions pursuant to this Section by meeting all of the following conditions:

(1) An insurer may use derivative instruments under this Section to engage in hedging transactions and certain income generation transactions, as these terms may be further defined in regulations promulgated by the commissioner.
(2) An insurer shall be able to demonstrate to the commissioner the intended hedge, the risk management process and the ongoing effectiveness of the derivative transaction or combination of the transactions through cash flow testing or other appropriate analyses.
(3) The counterparty shall have a minimum quality rating of one or two by the SVO.
(4) Before engaging in a derivative transaction, an insurance company shall establish written guidelines, approved by the commissioner that shall be used for effecting and maintaining derivative transactions. The guidelines shall do all of the following:
(a) Specify insurance company objectives for engaging in derivative transactions and derivative strategies and all applicable risk constraints, including credit risk limits.
(b) Identify counterparty exposure limits and credit quality standards.
(c) Identify appropriate derivative transactions and the relationship of those transactions to insurance company operations, including but not limited to a precise identification of the risks being hedged by a derivative transaction.
(d) Require compliance with internal controls procedures.
(e) Require the insurance company to have written methodology for determining whether a derivative instrument used for hedging has been effective.
(5) An insurance company shall have written policies and procedures describing the credit risk management process and a credit risk management system for over-the-counter derivative transactions that measures credit risk exposure using the counterparty exposure amount.
(7) An insurance company's board of directors shall, in accordance with R.S. 22:601.4, do all of the following:
(a) Approve the written guidelines, methodology, and policies and procedures required by Paragraphs (5), (6) and (7) of this Section and the systems required by Paragraphs (5) and (6) of this Section.
(b) Determine whether the insurance company has adequate professional personnel, technical expertise, and systems to implement investment practices involved in the use of derivative transactions.
(c) Review whether derivative transactions have been made in accordance with the approved guidelines and consistent with stated objectives.
(d) Take action to correct any deficiencies in internal controls relative to derivative transactions.
(8) Written documentation explaining the insurance company's internal guidelines and controls governing derivative transactions shall be submitted for approval to the commissioner. The commissioner may disapprove the guidelines and controls proposed by the company if the insurance company cannot demonstrate that the proposed guidelines and controls would be adequate to manage the risks associated with the derivative transactions the insurance company intends to engage in.

§601.16. Other requirements
Any insurance company that engages in derivative transactions shall be subject to the following:

(1) The purpose or purposes of the transaction.
(2) The assets or liabilities to which the transaction relates.
(3) The specific derivative instrument used in the transaction.
(4) The specific counter-derivative instrument transactions, the name of the counterparty and the net asset value.
(5) For exchange-traded derivative instruments, the name of the exchange and the name of the firm that handled the trade and the market value.
(6) Each derivative instrument shall be any of the following:
(a) Trading in a qualified exchange.
(b) Entered into with, or guaranteed by, a business entity.
(c) Issued or written with the issuer of the underlying interest on which the derivative instrument is based.
(d) Entered into with a qualified foreign exchange.
An insurer may enter into hedging transactions pursuant to this Section if, as a result of and after giving effect to the transaction, all of the following requirements are met:

(a) The aggregate statement value of options, caps, floors, and warrants not attached to another financial instrument purchased and used in hedging transactions does not exceed seven and one-half percent of its admitted assets.

(b) The aggregate statement value of options, caps, and floors written in hedging transactions, including any related cross-currency swaps, when written as a single instrument with the issuer, does not exceed three percent of its admitted assets.

(c) The aggregate potential exposure of collars, swaps, forwards, and futures used in hedging transactions does not exceed six and one-half percent of its admitted assets.

The insurer may enter only into any of the following types of investment transactions if as a result of and after giving effect to the transactions, the aggregate statement value of the fixed income assets that are subject to or collateralized by the transaction is a percentage of the insurer’s admitted assets does not exceed five percent of the insurer’s admitted assets:

(a) Sales of covered call options on noncallable fixed income securities.

(b) Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants or conversion rights already owned, the equity securities subject to call during the complete term of the call option.

(c) Sales of covered puts on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(d) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed ten percent of its admitted assets:

(a) Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms prior to the end of the noncallable period, or derivative instruments based on fixed income securities.

(b) Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants or conversion rights already owned, the equity securities subject to call during the complete term of the call option sold.

(c) Sales of covered puts on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option sold.

(d) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed three percent of its admitted assets:

(a) Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms prior to the end of the noncallable period, or derivative instruments based on fixed income securities.

(b) Sales of covered put options on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(c) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed three percent of its admitted assets:

(a) Sales of covered put options on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(b) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed three percent of its admitted assets:

(a) Sales of covered put options on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(b) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed three percent of its admitted assets:

(a) Sales of covered put options on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(b) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

The commissioner may approve additional transactions involving the use of derivatives if the insured, or the insurer, is permitted to invest in any of the following assets:

(1) Investments generating the cash flow to make the required payments under the cap or floor.

The commissioner may also approve additional transactions if the insurer is permitted to invest in any other assets.

The insurer may enter only into any of the following types of investments or derivative transactions if the transaction is a percentage of the insurer’s admitted assets does not exceed three percent of its admitted assets:

(a) Sales of covered put options on investments that the insurer is permitted to acquire under this Subpart, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the present value of the purchase obligations under the put during the complete term of the put option.

(b) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor, or the insurer acquires and holds in its portfolio the investments generating the cash flow to make the required payments under the cap or floor.

An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.
A. An insurer shall not, directly or indirectly, do any of the following:

(1) Engage in its own behalf or through a person affiliated in a transaction or contract it is engaged to make an investment as defined in Subparagraph (a) through (d) of this Paragraph while in the hands or an extraordinary dividend not previously approved by the commissioner, or insurer pays a regular or periodic fee for the right to carry such items as an asset on the insurer's balance sheet, for which the officer, director, or controlling stockholder has any direct or indirect financial interest.

(2) Enter into an agreement for the purchase or sale of property from or to an officer, director, or controlling stockholder of the insurer or a person in which the officer, director, or controlling stockholder has any direct or indirect financial interest.

C. An insurer may make, without the prior written approval of the commissioner, policy loans in accordance with the terms of the policy or contract issued to an officer, director, or employee of the insurer, but no such policy loan shall exceed the greater of:

(1) Five percent of the first five hundred million dollars of the insurer's admitted assets plus ten percent of the insurer's admitted assets exceeding five hundred million dollars.

(2) The insurer's unencumbered assets as of the date of the loan plus ten percent of the insurer's unencumbered assets exceeding five hundred million dollars.

D. This Section shall not apply to a transaction between an insurer and any of its subsidiaries or affiliates that is entered into in compliance with R.S. 22:691.7, other than a transaction between an insurer and its officers, directors, or controlling stockholders.

E. Any officer, director, or controlling stockholder knowingly participating in or abetting the violation of any provision of this Section where fraud is shown to exist shall be fined not less than one thousand dollars nor more than ten thousand dollars, or imprisoned not more than ten years, or both.

§601.21 Judicial review; mandamus

A. Any person aggrieved by any act, determination, rule, regulation, order or any action of the commissioner pursuant to this Subpart may appeal to the Nineteenth Judicial District Court in and for the parish of East Baton Rouge. The court shall conduct its review without a jury and by trial de novo, except that if all parties, including the commissioner, so stipulate, the review shall be confined to the record. Portions of the record may be introduced by stipulation into evidence in a trial de novo as to those parties so stipulating.

B. The filing of an appeal pursuant to this Section shall stay the application of any order or rule, or provisions of this Subpart where the commissioner to the appealing party unless the court, after giving the party notice and an opportunity to be heard, determines that a stay would be detrimental to the interest of policyholders, shareholders, creditors, or the public.

C. Any person aggrieved by any act of the commissioner to act or make a determination required by this Subpart may petition the Nineteenth Judicial District Court in and for the parish of East Baton Rouge for a writ of mandamus directing the commissioner to act or make a determination forthwith.

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

§4.1. Exceptions

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

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572.1, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1468, 1559, 1560, 1560(c), 1560(D), 1563, 1563.1, 1565, 1566, 1567.1, 1569, 1570, 1570.1, 1601, 1600.3, 1927, 1927, 1929, 1929, 1930, 1934, 2036, 2049, 2056, 2063, 2091, 2293, 2302, 2506

Section 3. Subpart B of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1960, comprised of R.S. 22:581 through 601, is hereby revoked and its provisions shall be repealed.

Section 4. This Act shall become effective on January 1, 2022. Approved by the Governor; June 11, 2021.

A true copy:

R. Kyle Ardoin

THE ADVOCATE

* As it appears in the enrolled bill
To amend and reenact R.S. 47:301(10)(i) and to enact R.S. 47:302(BB)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115), relative to sales and use tax exemptions; to exempt purchases of certain school buses to be used by elementary and secondary schools from sales and use tax; to provide for effective; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:301(10)(i) is hereby amended and reenacted and R.S. 47:302(BB)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115) are enacted to read as follows:

§301. Definitions

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

* * *

(10) The term “sale at retail” does not include the purchase of a new school bus or a used school bus which is less than five years old by an independent operator, when such the bus is to be used exclusively in a public school system for public elementary or secondary schools, public elementary or secondary laboratory schools that are operated by a public college or university, or nonpublic elementary or secondary schools approved by the State Board of Elementary and Secondary Education. A school bus includes only a bus that meets or exceeds the safety specifications for school buses established by the state Department of Education, is painted national school bus chrome in the shade designated by the State Board of Elementary and Secondary Education, and is purchased from a dealer licensed under the provisions of R.S. 32:791 or 1254. This exclusion shall apply to all sales and use taxes levied by any local political subdivision.

* * *

§302. Imposition of tax

BB. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(114) Purchases of school buses that are new or less than five years old as provided in R.S. 47:301(10)(i).

* * *

§321. Imposition of tax

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(115) Purchases of school buses that are new or less than five years old as provided in R.S. 47:301(10)(i).

* * *

§331. Imposition of tax

V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(115) Purchases of school buses that are new or less than five years old as provided in R.S. 47:301(10)(i).

* * *

Section 2. This Act shall become effective on July 1, 2021.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State
after compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be registered in the name of the beneficiary's substitutes, if any, and for the benefit of the deceased owner in a registration obtained after the death of the deceased owner, in compliance with this Chapter, but this registration in the name of the beneficiary or beneficiaries has no effect on ownership.
B. The provisions of this Chapter shall apply notwithstanding the fact that the decedent designates a beneficiary by will and testament.

§1711.6. Registering entity
A. A registering entity is not required to offer or to accept a request for security registration in beneficiary form. If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form shall conform to the protections given to the registering entity by this Chapter.
B. By accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration shall be implemented on death of the deceased owner as provided in this Chapter.
C. A registering entity shall not have knowledge and is discharged from all claims to a security by the estate, surviving spouse, creditors, heirs, legatees, or forced heirs of a deceased owner if it registers a transfer of the security in accordance with this Chapter and does so in good faith reliance (a) on the registration in beneficiary form, (b) on this Chapter, and (c) on information provided to it by affidavit of the succession representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives. The protections of this Chapter do not extend to a registration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form. No other notice or information available to the registering entity affects its right to protection under this Chapter.
D. The protection provided by this Chapter to the registering entity of a security does not affect the rights of surviving spouses, representing surviving spouses, heirs, legatees, forced heirs, or creditors or disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

§1711.7. Terms, conditions, and forms for registration
A. A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it will receive requests (a) for registrations in beneficiary form, and (b) for implementation of registrations in beneficiary form, including requests for cancellation of previously registered beneficiary designations and requests for reregistration to effect a change of beneficiaries.
B. The terms and conditions so established may provide for proving death, avoiding or resolving any problems concerning fractional shares, designating primary and contingent beneficiaries, and substituting a named beneficiary's descendants to take in the place of the named beneficiary in the event of the beneficiary's death.
C. Substitution may be indicated by appending to the name of the primary beneficiary the letters “LDR,” standing for “lineal descendants by representation,” or “LDR” for “lineal descendants by representation.” This designation substitutes a deceased beneficiary's descendants who survive the owner for a beneficiary who is deceased, the descendants to be identified and to share in accordance with the law of the owner's domicile at the owner's death governing inheritance of descendants of an intestate succession.
D. Other forms of identifying beneficiaries who are to take on one or more contingencies, and rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form, may be contained in a registering entity's terms and conditions.

§1711.8. Application of Chapter
A. This Chapter shall be known as and may be cited as the “Louisiana Uniform Transfer on Death Security Registration Act” or the “Louisiana Uniform TOD Security Registration Act.”
B. The provisions of this Chapter shall be liberally construed.
C. Unless displaced by the particular provisions of this Chapter, the principles of Louisiana law supplement provisions of this Chapter.

AN ACT
To enact Chapter 15-A of Title 3 of the Louisiana Revised Statutes of 1950, to repeal and replace R.S. 3:2071 through 2077, and R.S. 36:629(C), relative to the creation of the Louisiana Equine Promotion and Research Program; to create the Louisiana Equine Promotion and Research Advisory Board; to provide for the composition, powers, duties, and functions of the board; to authorize the commissioner of agriculture and forestry to adopt rules and accept certain funds; to provide for the use of funds; to provide for definitions; to provide for transfer of the board to the Department of Agriculture and Forestry; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Chapter 15-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2071 through 2077, is hereby enacted to read as follows:

CHAPTER 15-A. LOUISIANA EQUIPE EQUINE PROMOTION AND RESEARCH PROGRAM

§2071. Legislative intent
The legislature intends by this Chapter to authorize the equine industry to establish a self-governed program to support the growth and development of the equine industry in Louisiana.

§2072. Name and purpose
A. The name of the program created and organized by this Chapter shall be the Louisiana Equine Promotion and Research Program.
B. The purpose of the program is to support the growth and development of the equine industry in Louisiana by enhancing research, education, promotion, facilities, tourism, events, and equine-related activities throughout the state.

§2073. Definitions
As used in this Chapter:
(1) “Board” means the Louisiana Equine Promotion and Research Advisory Board.
(2) “Commissioner” means the commissioner of agriculture and forestry.
(3) “Equine” means all members of the genus Equus, regardless of age, including horses, ponies, mules, donkeys, and zebras.
(4) “Equine educational program” means any event focused on improving a participant's understanding of equines.
(5) “Equine event” means any kind of show, exposition, contest, or tournament where equines are shown competitively.
(6) “Equine facility” means any facility used to host equine events.
(7) “Equine industry member” means any person with an interest and background in the requirements of owning, breeding, showing, or managing equines.
(8) “Equine performance” means any discipline within the equine industry where equines are used competitively or in exhibition.
(9) “Equine-related activity” means any scholarly activity conducted to collect scientific data utilizing experimental design.
(10) “Program” means the Louisiana Equine Promotion and Research Program.
(11) “Promotion of the equine industry” means the development of a comprehensive marketing plan for the equine industry including a website, social media, and an advertising program that includes all breeds, disciplines, and equine-related activities.
(12) “Therapeutic riding and rehabilitation center” means any Professional Association of Therapeutic Horsemanship International (PATH Intl.) accredited center where equines are used therapeutically or as a part of an equine-assisted activity.
(13) “Therapeutic riding and rehabilitation center” means any Professional Association of Therapeutic Horsemanship International (PATH Intl.) accredited center where equines are shown competitively.
(14) “Program” means the Louisiana Equine Promotion and Research Advisory Board, creation and organization.
A. The Louisiana Equine Promotion and Research Advisory Board is hereby created within the Department of Agriculture and Forestry. The board shall be domiciled in Baton Rouge.
B. The board shall consist of thirteen members appointed by the commissioner as follows:
   (1) One member who is engaged in the equine event business appointed from a list of three persons nominated by the Louisiana Farm Bureau Federation, Inc.
   (2) One member who is engaged in the trail facility business appointed from a list of three persons nominated by the Louisiana Farm Bureau Federation, Inc.
   (3) One member who is engaged in equine research from an accredited postsecondary education institution in Louisiana.
   (4) One member who is engaged in the promotion of the equine industry appointed from a list of three persons nominated by the Louisiana Farm Bureau Federation, Inc.
   (5) One member who is engaged in equine research from an accredited postsecondary education institution in Louisiana.
   (6) Two members who are engaged in equine performance.
   (7) Two members who are engaged in equine racing.
   (8) One member who is an owner or operator of a therapeutic riding and rehabilitation center appointed from a list of three persons nominated by the Louisiana Farm Bureau Federation, Inc.
   (9) Two members who are engaged in equine education.
   (10) One member appointed from a list of three persons nominated by the Louisiana Quarter Horse Breeder Association.
   (11) One member appointed from a list of three persons nominated by the Louisiana Thoroughbred Breeders Association.

THE ADVOCATE
As it appears in the enrolled bill PAGE 44
C. (1) The commissioner, or his designee, shall serve as an ex officio member in an advisory capacity only.
   (2) The lieutenant governor, or his designee, shall serve as an ex officio member in an advisory capacity only.
D. Members shall serve at the pleasure of the commissioner and shall serve terms concurrent with the term of the commissioner making the appointment.
E. An organization authorized to make nominations for appointment to the board shall submit its list of nominees within thirty days after the commissioner requests the list. The commissioner shall make all appointments to the board no later than thirty days after receiving the list of nominees. The board shall be representative of the state's population by race and gender to ensure diversity.
F. A vacancy in the office of a member shall be filled in the same manner as the original appointment. Persons appointed to fill vacancies shall serve for the unexpired portion of the vacated term.
G. A majority of the members of the board shall constitute a quorum for the transaction of business. All official actions of the board shall require the affirmative vote of a majority of the members of the board present and voting.
H. Members of the board shall receive no compensation.
I. The board shall meet at least twice a year and may meet at other times on the call of the chairman or any four members.
J. The board, by a vote of a majority of the members, may expel a member for good cause shown. Good cause shall include but shall not be limited to three consecutive unexcused absences. The expulsion of a member creates a vacancy in the office of the expelled member.
K. The board shall meet and organize as soon as practicable after appointment of the members, and shall elect a chairman, vice chairman, and secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by such officers or specifically designated by the board.
Officers shall serve a one-year term.
§2075. Powers and duties
A. The board shall:
   (1) Advise the commissioner on the development and maintenance of the Louisiana Equine Promotion and Research Program.
   (2) Maintain a permanent record of its proceedings.
   (3) Submit an annual report of its activities to the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development by January first of each year.
B. The board may:
   (1) Provide information to governmental entities upon request on subjects of concern to the equine industry and collaborate with the state or federal government on the development and administration of the program.
   (2) Cooperate with any local, state, regional, or national organization or agency engaged in activities consistent with the objectives of the program.
C. The commissioner may:
   (1) Adopt such rules and regulations as are necessary to administer the program. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act.
   (2) Enter into contracts or other agreements to accomplish any purpose authorized by this Chapter, including advertising, education, marketing, promotion, research, or services.
§2076. Funding
To achieve the purposes of this Chapter, the commissioner may accept and expend monies from any source, including gifts, contributions, donations, state appropriations, and federal grants and may accept and use services from individuals, corporations, and governmental entities.
§2077. Use of funds
Funds made available to the commissioner shall be expended to effectuate the purposes of this Chapter including but not limited to the following uses:
(1) To attract national contests, shows, and equine events to Louisiana.
(2) To protect the health, safety, and welfare of the public.
(2) To provide or use as part of a public bid or request for proposal process or to accomplish construction maintenance, repairs, or development.
(4) To facilitate interactions with a federal, state, or local governmental entity.
(5) To develop educational programs and disseminate educational materials about the equine industry.
(6) To support the enhancement and maintenance of public multi-use equine facilities.
(7) To provide promotional activities, facilities, events, and the needs of the Louisiana equine industry.
(8) To contract for scientific research with any accredited postsecondary education institution or similar educational institution that will assist in carrying out the purposes of the program, including equine health, welfare, management, reproduction, nutrition, and general physiology.
Section 2. R.S. 36:629(T) is hereby enacted to read as follows:
§629. Transfer of boards, commissions, departments, and agencies to the Department of Agriculture and Forestry.
T. The Louisiana Equine Promotion and Research Advisory Board (R.S. 3:2071 et seq.) is placed within the Department of Agriculture and Forestry and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.
Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State
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ACT No. 169
HOUSE BILL NO. 120
BY REPRESENTATIVE NEWELL
AN ACT
To enact R.S. 44:3.6, relative to public records regarding airport facilities, floor plans, and renderings of airport infrastructure; to provide for the confidential nature of blueprints, floor plans, and interior renderings of such facilities and of blueprints, plans, and renderings of airport infrastructure; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 44:3.6 is hereby enacted to read as follows:
§3.6. Airport facility and infrastructure records
A. Notwithstanding any other provision of law to the contrary, blueprints, floor plans, and renderings of the interior of an airport facility or of a facility on airport property and blueprints, plans, or renderings of airport infrastructure shall be confidential.
B. Nothing in this Chapter shall be construed to require the inspection, examination, copying, or reproduction of a blueprint, floor plan, or other rendering of the interior of an airport facility or of a facility on airport property or a blueprint, plan, or rendering of airport infrastructure of any airport, or airport authority.
C. Nothing in this Section shall prohibit the disclosure of a blueprint, floor plan, or other rendering of the interior of an airport facility or of a facility on airport property or a blueprint, plan, or rendering of airport infrastructure to appropriate persons, if such disclosure is necessary or required for any of the following:
(1) To protect the health, safety, and welfare of the public.
(2) To provide or procure security, services, or concessions in and around the airport and its facilities.
(3) To use as part of a public bid or request for proposal process or to accomplish construction maintenance, repairs, or development.
(4) To facilitate interactions with a federal, state, or local governmental entity.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State
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ACT No. 170
HOUSE BILL NO. 142
BY REPRESENTATIVE THOMPSON
AN ACT
To amend and reenact R.S. 17:3803(B)(1)(d) and R.S. 56:639.8(C) and 650(C)(1), relative to the maximum amount of monies in certain state funds that may be invested in equities; to increase such investment caps; to provide for effectiveness; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3803(B)(1)(d) is hereby amended and reenacted to read as follows:
§3803. Investment authority; treasurer
D. Investment authority
(1) To protect the health, safety, and welfare of the public.
(2) To provide or procure security, services, or concessions in and around the airport and its facilities.
(3) To use as part of a public bid or request for proposal process or to accomplish construction maintenance, repairs, or development.
(4) To facilitate interactions with a federal, state, or local governmental entity.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State
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ACT No. 189
HOUSE BILL NO. 195
BY REPRESENTATIVE THOMPSON
AN ACT
To amend and reenact R.S. 56:639.8(C) and 650(C)(1), relative to the maximum amount of monies in certain state funds that may be invested in equities; to increase such investment caps; to provide for effectiveness; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 56:639.8(C) and 650(C)(1) are hereby amended and reenacted to read as follows:
§639.8. Department of Wildlife and Fisheries; Artificial Reef Development
C. There is hereby established a fund in the state treasury to be known as the Artiﬁcial Reef Fund, hereinafter referred to as the “Reef Fund” or “Fund”, into which the state treasurer shall each ﬁscal year, and beginning with the 1966-67 Fiscal Year, deposit the funds received as provided in R.S. 56:6398.5(A) and (B), after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufﬁcient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each ﬁscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the Reef Fund an amount equal to the funds deposited by the department into the treasury as provided in Subsection B of this Section. The monies in the Reef Fund shall be used solely as provided by Subsection E herein and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the Reef Fund at the end of the ﬁscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund, again, following compliance with the requirement of Article VII, Section 9(E) of the Louisiana Constitution, relative to the Bond Security and Redemption Fund.

Notwithstanding any provision of law to the contrary, a portion of the monies in the Reef Fund, not to exceed sixty-ﬁve percent, may be invested in stock.

Section 3. This Act shall take effect and become operative if and when the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 154 of this 2021 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 172
BY REPRESENTATIVE DESHOTEL

To enact R.S. 40:539(C)(6)(k), relative to employees of the Bunkie Housing Authority; to provide that employees of the authority shall not be in the state civil service; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:539(C)(6)(k) is hereby enacted to read as follows:
§539. Selection of chairman and vice chairman; executive director; hiring of employees

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

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 173
BY REPRESENTATIVE BRASS

To enact R.S. 13:5554.6, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in St. James Parish; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for the payment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554.6 is hereby enacted to read as follows:
§5554.6. St. James Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund
A. There is hereby created the St. James Parish Retired Employees Insurance Fund, hereinafter referred to as the “SJREIF”, to fund the payment by the sheriff’s office of St. James Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554(2).
B. The following monies shall be deposited by the sheriff of St. James Parish into the SJREIF until the total amount of the monies including principal and earnings equals the sum of four million dollars:
(1) One percent of the tax revenue received in the St. James Parish Sheriff’s general fund each year.
(2) Any other monies that the sheriff of St. James Parish may contribute to the SJREIF.
C. Upon recommendation of the board established in Subsection F of this Section, the sheriff of St. James Parish shall invest the monies in the SJREIF as follows:
(1) Not less than twenty-ﬁve percent in equities.
(2) At least twenty-ﬁve percent in ﬁxed income investments, provided that a minimum of twenty-ﬁve percent of the ﬁxed income investment is rated as investment grade by a nationally recognized rating agency.
D. The monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section and the accumulated earnings shall be available for the sheriff to withdraw for the purposes of paying the insurance premium costs for retired sheriffs and retired deputy sheriffs of St. James Parish and all costs associated with administering the SJREIF.
(2) In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of four million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs or legal representation costs for the SJREIF Board shall be paid in full from the sheriff’s general fund.

AN ACT
TO ENACT R.S. 13:5554.6, RELATIVE TO THE PAYMENT OF GROUP INSURANCE PREMIUMS FOR RETIRED SHERIFFS AND DEPUTY SHERIFFS IN ST. JAMES PARISH; TO CREATE A PERMANENT FUND; TO REQUIRE THE DEPOSITING OF CERTAIN MONIES INTO THE FUND; TO PROVIDE FOR THE PAYMENT OF MONIES IN THE FUND; TO AUTHORIZE THE WITHDRAWAL OF EARNINGS; TO PROVIDE FOR LIMITATIONS ON APPROPRIATIONS FROM THE FUND; TO PROVIDE FOR AUDITS OF THE FUND; TO PROVIDE FOR THE MEMBERSHIP AND ELECTION ON THE INVESTMENT ADVISORY BOARD; AND TO PROVIDE FOR RELATED MATTERS.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554.6 is hereby enacted to read as follows:

§5554.6. St. James Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

A. There is hereby created the St. James Parish Retired Employees Insurance Fund, hereinafter referred to as the “SJREIF,” to fund the payment by the sheriff’s office of St. James Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554(2).

B. The following monies shall be deposited by the sheriff of St. James Parish into the SJREIF until the total amount of the monies including principal and earnings equals the sum of four million dollars:

(1) One percent of the tax revenue received in the St. James Parish Sheriff’s general fund each year.

(2) Any other monies that the sheriff of St. James Parish may contribute to the SJREIF.

C. Upon recommendation of the board established in Subsection F of this Section, the sheriff of St. James Parish shall invest the monies in the SJREIF as follows:

(1) Not less than twenty-five percent in equities.

(2) At least twenty-five percent in fixed income investments, provided that a minimum of twenty-five percent of the fixed income investment is rated as investment grade by a nationally recognized rating agency.

D. The monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section and the accumulated earnings shall be available for the sheriff to withdraw for the purposes of paying the insurance premium costs for retired sheriffs and retired deputy sheriffs of St. James Parish and all costs associated with administering the SJREIF.

(2) In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of four million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs or legal representation costs for the SJREIF Board shall be paid in full from the sheriff’s general fund.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State
E. Any financial audit conducted of the sheriff's office of St. James Parish shall specifically address compliance with the provisions of this Section.

A true copy: R. Kyle Ardoin Secretary of State

ACT No. 174

HOUSE BILL NO. 164

BY REPRESENTATIVE ROBBY CARTER

AN ACT

To amend and reenact Code of Civil Procedure Articles 253.3(A)(3), 284, 928(A), 1001, 1002, 1471(A)(X3), 1702.1, 1703, 1704, 1843, 1913(B) and (C), 2002(A)(X2), 4904, 4921, 4921.1(C), and 5095, R.S. 13:3205[introductory paragraph] and 4990, and R.S. 23:1316.1(A) and to repeal Code of Civil Procedure Article 1702.1.1 and R.S. 23:1316, relative to default judgments; to eliminate preliminary default judgments; to provide for the rendition of a default judgment and related delays; to provide for default judgments in parish, city, justice of the peace, and workers' compensation courts; to provide with respect to the delay for answering; to update terminology; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 253.3(A)(3), 284, 928(A), 1001, 1002, 1471(A)(X3), 1702.1, 1703, 1704, 1843, 1913(B) and (C), 2002(A)(X2), 4904, 4921, 4921.1(C), and 5095 are hereby amended and reenacted to read as follows:

Art. 253.3. Duty judge exceptions; authority to hear certain matters

A. In any case assigned pursuant to Article 253.1, a duty judge shall only hear and sign orders or judgments for the following:

(1) Entry of preliminary defaults, confirmation of defaults Default judgments, stipulated matters, examination of judgment debtors, orders to proceed in forma pauperis, orders allowing the filing of supplemental and amending petitions when no trial date has been assigned; orders allowing incidental demands when no trial date has been assigned, orders allowing additional time to answer, and judicial commitments.

Art. 294. Judicial powers of district court clerk

The clerk of a district court may render, confirm, and sign final default judgments or judgments by confession in cases where the jurisdiction of the court is concurrent with that of justices of the peace, as provided in Article 5011.

Art. 923. Time of pleading exceptions

A. The declaratory exception and the dilatory exception shall be pleaded prior to or in the answer and, prior to or along with the filing of any pleading secking the further relief other than entry or removal of the name of an attorney as counsel of record, extension of time within which to plead, security for costs, or dissolution of an attachment issued on the ground of the nonresidence of the defendant, and in any event, prior to the signing of a final default judgment. When both exceptions are pleaded, they shall be filed at the same time and shall be incorporated in the same pleading. When filed at the same time or in the same pleading, these exceptions need not be pleaded in the alternative or in a particular order.

Art. 1001. Delay for answering

A. A defendant shall file his answer within fifteen twenty-one days after service of citation upon him, except as otherwise provided by law. If the plaintiff files and serves a discovery request with his petition, the defendant shall file his answer to the petition within thirty days after service of citation and service of discovery request.

B. When an exception is filed prior to answer and is overruled or referred to the merits or dismissed and the judgment of the petition ordered, the answer shall be filed within ten fifteen days after the exception is overruled or referred to the merits, ten fifteen days after service of the amended petition. The court may grant additional time for answering.

Comments - 2021

(a) The revision to Paragraph A of this Article extends the time within which the defendant must file an answer to fifteen days after service of citation upon him, except as otherwise provided by law. If the plaintiff files and serves a discovery request with his petition, the defendant shall file his answer within fifteen days after service of the amended petition.

(b) The revision to Paragraph B of this Article extends the time within which the defendant must file an answer to fifteen days after an exception is overruled or referred to the merits, or fifteen days after service of an amended petition when an exception is sustained and an amendment is ordered.

Art. 1002. Answer or other pleading filed prior to signing of final default judgment

Notwithstanding the provisions of Article 1001, the defendant may file his answer or other pleading at any time prior to the signing of a final default judgment against him.

Art. 1471. Failure to comply with order compelling discovery; sanctions

A. If a party or an officer, director, or managing agent of a party or a person designated under Article 1442 or 1448 to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under Article 1449, the court in which the action is pending may make such orders in regard to the failure as are just, including any of the following:

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a final default judgment against the disobedient party upon presentation of proof as required by Article 1702.

Art. 1702.1. Confirmation of preliminary default Default judgment without hearing in open court; required information; certifications

A. When the plaintiff seeks to confirm a preliminary default judgment without appearing for a hearing in open court as provided in Article 1702(B)(1) and (C), along with any proof required by law, he or his attorney shall file in an itemized form, with a written notice for confirmation of preliminary default and proposed final the plaintiff shall file a written request for default judgment containing a certification that the suit is on an open account, promissory note, or other negotiable instrument, on a conventional obligation, or on a check dishonored for nonsufficient funds, and that the necessary invoices and affidavit, note and affidavit, or check or certified reproduction thereof are attached, along with any proof required by law and a proposed default judgment. If attorney fees are sought under R.S. 9:2761 or 2762, the attorney shall certify that fact and the fact that the number of days required by R.S. 9:2761(A) or 2762(A), respectively, have elapsed since demand was made upon the defendant.

B. The certification shall indicate the type of service made on the defendant, the date of service and the date a preliminary default was entered; and shall also include a certification by the clerk of the record that was examined by the clerk, including therein the date of the examination and a statement that no answer or other pleading has been filed within the time prescribed by law or by the court.

Art. 1703. Scope of judgment

A final default judgment shall not be different in kind from that demanded in the petition. The amount of damages awarded shall be the amount proven to be properly due as a remedy.

Art. 1704. Confirmation of preliminary default Default judgment in suits against the state or a political subdivision

A. Notwithstanding any other provision of law to the contrary, prior to confirmation of a preliminary the rendition of a default judgment against the state or any of its departments, offices, boards, commissions, agencies, or instrumentalities, a certified copy of the minute entry constituting the preliminary default entered pursuant to Article 1701 the plaintiff or the plaintiff's attorney shall send notice of the plaintiff's intent to obtain a default judgment, together with a certified copy of the petition or other demand, to the attorney general or the first assistant attorney general at the office of the attorney general. If the plaintiff or the plaintiff's attorney shall send notice of the plaintiff's intent to obtain a default judgment, together with a certified copy of the petition or other demand, to the attorney general or to the first assistant attorney general at the office of the attorney general.

If the minute entry and the notice and petition are served on the attorney general by registered or certified mail, or shall be served by the sheriff personally upon the attorney general or the first assistant attorney general at the office of the attorney general.

If the minute entry and the notice and petition are served on the attorney general by registered or certified mail, or shall be served by the sheriff personally upon the attorney general or the first assistant attorney general at the office of the attorney general.

If the minute entry and the notice and petition are served on the attorney general by registered or certified mail, or shall be served by the sheriff personally upon the attorney general or the first assistant attorney general at the office of the attorney general.

If the minute entry and the notice and petition are served on the attorney general by registered or certified mail, or shall be served by the sheriff personally upon the attorney general or the first assistant attorney general at the office of the attorney general.

If the minute entry and the notice and petition are served on the attorney general by registered or certified mail, or shall be served by the sheriff personally upon the attorney general or the first assistant attorney general at the office of the attorney general.
B. If no answer or other pleading is filed during the fifteen twenty-one days immediately following the date on which the attorney general or the first attorney of record obtained notice of the preliminary intent to obtain a default judgment as provided in Paragraph A of this Article, a preliminary default entered judgment against the state or any of its departments, offices, boards, commissions, agencies, or instrumentalities may be confirmed by rendered upon proof as required by Article 1702.

C. Notwithstanding any other provision of law to the contrary, prior to confirmation of a preliminary default on behalf of any party at interest, a preliminary default entered judgment against the political subdivision of the state or any of its departments, offices, boards, commissions, agencies, or instrumentalities, a certified copy of the minute entry of the preliminary default judgment may be obtained from the clerk of the district court for the parish in which the judgment was rendered. If the plaintiff or the plaintiff’s attorney shall send notice of the plaintiff’s intent to obtain a default judgment, together with a certified copy of the petition or other demand, shall be sent by the plaintiff or his counsel by registered or certified mail to the proper person or persons for service of process at the office of the plaintiff or the attorney for the plaintiff, or in the case of a defendant originally served through an attorney or person for service of process, such service may be made on the attorney or person for service of process, with sufficient postage affixed, and stating the date on which such envelope was deposited in the United States mail. The return receipt shall be attached to the affidavit which was that is filed in the record.

D. If no answer or other pleading is filed during the fifteen twenty-one days immediately following the date on which the attorney or person for service of process received notice of the preliminary intent to obtain a default judgment as provided in Paragraph C of this Article, a preliminary default entered judgment against the political subdivision of the state or any of its departments, offices, boards, commissions, agencies, or instrumentalities may be confirmed by rendered upon proof as required by Article 1702.

Comments - 2021

Article 1704 continues the requirement that, prior to a default judgment being rendered against the state of Louisiana or any of its departments, offices, boards, commissions, agencies, or instrumentalities, the office of the attorney general must receive notice of the plaintiff’s intent to obtain the default judgment along with a certified copy of the petition or other demand. A similar notice requirement applies to political subdivisions of the state.

Art. 1843. Final default

A final default judgment is that which is rendered against a defendant who fails to plead within the time prescribed by law.

Art. 1913. Notice of judgment

B. Notice of the signing of a final default judgment against a defendant on whom citation was not served personally, or on whom citation was served through the secretary of state, and who filed no exception, answer, or other pleading, shall be served on the defendant by the sheriff, by either personal or domiciliary service, or in the case of a defendant originally served through the secretary of state, by service on the secretary of state.

C. Except when service is required under Paragraph B of this Article, notice of the signing of a final default judgment shall be mailed to the clerk of court to the defendant at the address where personal service was obtained or to the last known address of the defendant.

Art. 2002. Annulment for vices of form; time for action

A. A final judgment shall be annulled if it is rendered:

(1) Against a defendant who has not been served with process as required by law and who has not waived objection to jurisdiction, or against whom a valid final default judgment has not been taken.

Art. 4921.1. Demand for trial; abandonment; applicability

C.(1) Notwithstanding the provisions of Paragraph A of this Article, the justice of the peace or clerk may set the matter for trial upon filing of a petition. The date, time, and location of the trial shall be contained in the petition. If the trial is not scheduled to take place more than forty-five days, nor less than ten days, from the service of the citation. If the defendant appears, he need not file an answer unless ordered to do so by the court. If a defendant has been served with citation fails to appear at the time and place specified in the citation, the judge may enter a final default judgment for the plaintiff in the amount proved to be due. If the plaintiff does not appear, the judge may enter an order dismissing the action without prejudice.

(2) If a matter has been set for trial pursuant to Subparagraph (1) of this Paragraph, no final default judgment shall be rendered prior to the trial date.

Art. 5095. Same; defense of action

A. The attorney at law appointed by the court to represent a defendant shall use reasonable diligence to inquire of the defendant, and to determine from other available sources, if any, the defendant may have, and what evidence is available in support thereof.

B. Except in an exécutoir proceeding, the attorney may except to the petition, shall file an answer or other pleading in time to prevent a final default judgment from being rendered, may plead therein any affirmative defense available, may prosecute an appeal from an adverse judgment, and generally has the same duty, responsibility, and authority in defending the action as the attorney for the plaintiff has had, or would have had, if the plaintiff’s attorney had retained as counsel for the defendant. Section 2. R.S. 13:3205(introductory paragraph) and 4990 are hereby amended and reenacted to read as follows:

§3205. Default judgment; hearings; proof of service of process

No preliminary default or final default judgment may be rendered against the state or any item of property in which any default judgment, rule to show cause, or other summary proceeding, except for actions pursuant to R.S. 46:2131 et seq., until thirty days after the filing in the record of the affidavit of the individual who has done any of the following:

§4900. Diligence in locating co-owners; known co-owners made parties

In any judicial proceeding in which real property is sought to be partitioned upon the trial of the cause upon the merits or upon confirmation of any preliminary default judgment, and if a diligent effort is made to locate all co-owners of the property to be partitioned and of the fact that all known co-owners have been made parties thereto.

Section 3. R.S. 23:1316.1(A) is hereby amended and reenacted to read as follows:

§1316.1 Confirmation of preliminary default

A.(1) A preliminary default on behalf of any party at interest must be confirmed by proof of the demand sufficient to establish a prima facie case. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the preliminary default. If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or the time extended by the workers’ compensation judge, and the plaintiff establishes a prima facie case by competent and admissible evidence that is sufficient to establish a prima facie case and of proof of proper service and proof of proper evidence, a default judgment may be rendered against the defendant, provided that notice that the plaintiff intends to obtain a default judgment is sent if required by this Paragraph, unless such notice is waived.

(2) If a party who fails to answer has made an appearance of record in the case, notice that the plaintiff intends to obtain a default judgment shall be sent by certified mail to counsel of record for the party, or if there is no counsel of record, to the party, at least seven days before a default judgment may be rendered.

(3) If an attorney for a party who fails to answer has contacted the plaintiff or the plaintiff’s attorney in writing concerning the action after it has been filed, notice that the plaintiff intends to obtain a default judgment shall be sent by certified mail to counsel of record for the party, or in a case where there is no counsel of record, to the party, at least seven days before a default judgment may be rendered.

Section 4. Code of Civil Procedure Articles 1702, 4904, and 4921 are hereby amended and reenacted to read as follows:

Art. 1702. Confirmation of preliminary default

A. A preliminary default must be confirmed by proof of the demand that is sufficient to establish a prima facie case and that is admitted on the record prior to the entry of a final default judgment. The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the preliminary default. When a party’s attorney for a party at interest has been made aware of the filing of a preliminary default, or if a party at interest has been made aware of their filing of the document, the party at interest shall use reasonable diligence to determine whether the party at interest is in default, at least seven days, exclusive of holidays, before confirmation of the preliminary default. If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or the court, and the plaintiff establishes a prima facie case by competent and admissible evidence that is sufficient to establish a prima facie case and of proof of proper service and proof of proper evidence, a default judgment may be rendered, provided that notice that the plaintiff intends to obtain a default judgment is sent if required by this Paragraph, unless such notice is waived.

(1) If a party who fails to answer has made an appearance of record in the case, notice that the plaintiff intends to obtain a default judgment shall be sent by certified mail to counsel of record for the party, or if there is no counsel of record, to the party, at least seven days before a default judgment may be rendered.

(2) If an attorney for a party who fails to answer has contacted the plaintiff or the plaintiff’s attorney in writing concerning the action after it has been filed, notice that the plaintiff intends to obtain a default judgment shall be sent by certified mail to counsel of record for the party, or in a case where there is no counsel of record, to the party, at least seven days before a default judgment may be rendered.

(3) If an attorney or an attorney for a party at interest has been made aware of the filing of a preliminary default, or if a party at interest has been made aware of their filing of the document, the party at interest shall use reasonable diligence to determine whether the party at interest is in default, at least seven days, exclusive of holidays, before confirmation of the preliminary default. If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or the court, and the plaintiff establishes a prima facie case by competent and admissible evidence that is sufficient to establish a prima facie case and of proof of proper service and proof of proper evidence, a default judgment may be rendered, provided that notice that the plaintiff intends to obtain a default judgment is sent if required by this Paragraph, unless such notice is waived.

(4) The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the preliminary default.
and exhibits annexed thereto which contain facts sufficient to establish a prima facie case shall be admissible, self-authenticating, and sufficient proof of such demand. The court may, under the circumstances of the case, require additional evidence in the form of oral testimony before entering a final default judgment.

(2) When a demand is based upon a delictual obligation, the testimony of the plaintiff with corroborating evidence, which may be by affidavits and exhibits annexed thereto, containing facts sufficient to establish a prima facie case, shall be admissible, self-authenticating, and sufficient proof of such demand. The court may, under the circumstances of the case, require additional evidence in the form of oral testimony before entering a final default judgment.

(3) When the sum due is on an open account or a promissory note or other negotiable instrument, an affidavit of the correctness thereof shall be prima facie proof. When the demand is based upon a promissory note or other negotiable instrument, no proof of any signature thereon shall be required.

C. In those proceedings in which the sum due is on an open account, promissory note, negotiable instrument, conventional obligation, or a deficiency judgment derived therefrom, or in which the amount sought is that authorized or consented to by any notary public.

THE ADVOCATE

A. In suits in a parish court or a city court, if the defendant fails to answer timely, or if he fails to appear at the trial, and the plaintiff proves his entitlement to a prima facie case by competent and admissible evidence, a final default judgment in favor of the plaintiff may be rendered. No preliminary default is necessary.

B. The plaintiff may obtain a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the suit is for a sum due on an open account, promissory note, negotiable instrument, or other conventional obligation, prima facie proof may be submitted by affidavit. When the demand is based upon a promissory note or other negotiable instrument, no proof of any signature thereon shall be required.

C. When the suit is for a sum due on an open account, promissory note, negotiable instrument, or other conventional obligation, a hearing in open court shall not be required unless the judge in his discretion directs that such a hearing be held. The clerk of court shall certify that no answer or other pleading has been filed by the defendant. The minute clerk shall make an entry showing the dates of receipt of proof, review of the record, and rendition of the final default judgment. A certified copy of the signed final default judgment shall be sent to the plaintiff by the clerk of court, and notice of the signing of the final default judgment shall be given as provided in Article 1913.

Comments - 2021

(a) The change to Paragraph A of this Article makes the burden of proof to obtain a default judgment in parish and city courts consistent with the burden of proof that is imposed in district court pursuant to Article 1702.

(b) Paragraph C of this Article was amended to make this provision consistent with Article 1702(E) concerning the requirements of Article 1913.

Art. 4921. Final default Default judgment; justice of the peace courts; district courts with concurrent jurisdiction

A. If the defendant fails to answer timely, or if he fails to appear at the trial, and the plaintiff proves his entitlement to a prima facie case by competent and admissible evidence, a final default judgment in favor of the plaintiff may be rendered. No preliminary default is necessary.

The change to Paragraph A of this Article makes the burden of proof to obtain a default judgment in justice of the peace courts consistent with the burden of proof that is imposed in district court pursuant to Article 1702.

Section 5. Code of Civil Procedure Articles 1702, 4904, and 4921 are hereby amended and reenacted to read as follows:

Art. 1702. Confirmation of preliminary default Default judgment

(1) A preliminary default must be confirmed by proof of the demand that is sufficient to establish a prima facie case and that is admitted on the record prior to the entry of a final default judgment. The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the preliminary default. When a preliminary default has been entered against a party that is in default after having made an appearance of record in the case, notice of the date of the entry of the preliminary default must be given to the party in default by certified mail or any other method of delivery authorized by the local rules of the district court or approved by the clerk of the district court for the purpose of obtaining the preliminary default to counsel of record for the party in default, or if there is no counsel of record, to the party in default, at least seven days, exclusive of holidays, before confirmation of the preliminary default. If a preliminary default has been entered against a party in which an answer is filed subsequently, the answer must be examined within the time prescribed by law or by the court, and the plaintiff obtains a prima facie case by competent and admissible evidence that is admitted on the record, a default judgment in favor of the plaintiff may be rendered, provided that notice that the plaintiff intends to obtain a default judgment is given to the defendant by certified mail at least seven days, exclusive of holidays, before confirmation of the preliminary default. The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence.

Art. 4904. Final default Default judgment in parish and city courts

As it appears in the enrolled bill
(a) Paragraph C of this Article adopts a new rule that, prior to the rendition of a default judgment, notice must be sent to a party's attorney who has contacted the plaintiff or the plaintiff's attorney in writing about the case. The term “in writing” includes electronic means as well as any other type of writing. If such notice is not given, any default judgment rendered shall be a nullity. The notice required by Paragraph B. See, e.g., First Bank & Trust v. Bayou Land and Marine Contractors, Inc., 103 So. 3d 1148 (La. App. 5 Cir. 2012).

(b) Paragraph H of this Article continues the authorization under former Articles 1701 and 1702(E) for a judgment of divorce under Civil Code Article 103(1) to be granted without a hearing in open court two days, exclusive of holidays, after the filing of the defendant's affidavit waiving all legal delays, and for a judgment of divorce under Civil Code Article 103(5) to be rendered without a hearing in open court after the delays for answering have expired.

Art. 4904. Final default judgment in parish and city courts

A. In suits in a parish court or a city court, if the defendant fails to answer timely, or if he fails to appear at the trial, and the plaintiff proves his case establishes a prima facie case by competent and admissible evidence, a final default judgment in favor of the plaintiff may be rendered. No preliminary default judgment is necessary. The plaintiff may obtain a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the suit is for a sum due on an open account, promissory note, negotiable instrument, or other conventional obligation, prima facie proof may be submitted by affidavit. When the demand is based upon a promissory note or other negotiable instrument, no proof of any signature thereon shall be required.

B. When the demand is based upon a right acquired by assignment in an open account, promissory note, or other negotiable instrument, the court may raise an objection of prescription before entering a default judgment if the grounds for the objection appear from the pleadings or from the evidence submitted by the plaintiff. If the court raises an objection of prescription, it shall not enter the default judgment unless the plaintiff presents prima facie proof that the action is not barred by prescription. Upon the plaintiff’s request, the court shall hold a hearing for the submission of such proof.

Comments - 2021

(a) The change to Paragraph A of this Article makes the burden of proof to obtain a default judgment in parish and city courts consistent with the burden of proof that is imposed in district court pursuant to Article 1702.

(b) Paragraph C of this Article was amended to make this provision consistent with Article 1702(E) concerning the requirements of Article 1913.

Art. 4921. Final default judgment; justice of the peace courts; district courts with concurrent jurisdiction

A. If the defendant fails to answer timely, or if he fails to appear at the trial, and the plaintiff proves his case establishes a prima facie case by competent and admissible evidence, a final default judgment in favor of the plaintiff may be rendered. No preliminary default judgment is necessary.

B. The plaintiff may request a default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the suit is for a sum due on an open account, promissory note, negotiable instrument, or other conventional obligation, prima facie proof may be submitted by affidavit. When the demand is based upon a promissory note or other negotiable instrument, no proof of any signature thereon shall be required.

C. When the demand is based upon a right acquired by assignment in an open account, promissory note, or other negotiable instrument, the court may raise an objection of prescription before entering a default judgment if the grounds for the objection appear from the pleadings or from the evidence submitted by the plaintiff. If the court raises an objection of prescription, it shall not enter the default judgment unless the plaintiff presents prima facie proof that the action is not barred by prescription. Upon the plaintiff’s request, the court shall hold a hearing for the submission of such proof.

Comments - 2021
The change to Paragraph A of this Article makes the burden of proof to obtain a default judgment in justice of the peace courts consistent with the burden of proof that is imposed in district court pursuant to Article 1702.

Section 6. Code of Civil Procedure Article 1701 and R.S. 23:1316 are hereby repealed in their entirety.

Section 7. (A) This Act shall become effective on January 1, 2022, except as otherwise provided by this Section, and shall apply to default judgments rendered on or after that date.

(B) Section 4 of this Act shall become effective only if House Bill No. 152 of the 2021 Regular Session does not become law.

(C) Section 5 of this Act shall become effective only if House Bill No. 152 of the 2021 Regular Session becomes law. If House Bill No. 152 of the 2021 Regular Session becomes law, then Code of Civil Procedure Articles 1702, 4904, and 4921 as provided by Section 5 of this Act shall, on January 1, 2022, supersede Code of Civil Procedure Articles 1702, 4904, and 4921 as provided by House Bill No. 152 of the 2021 Regular Session.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 175

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HOUSE BILL NO. 168

BY REPRESENTATIVE MIKE JOHNSON

AN ACT

To amend and reenact R.S. 18:491(B), relative to objections to candidacy for elective office; to provide relative to review of evidence by a district attorney; to provide relative to filing of objections by a district attorney; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:491(D) is hereby revised and reenacted to read as follows:

§491. Standing to object to candidacy

B. A registered voter may present evidence that a candidate has illegally qualified for elective office. The evidence may be presented to the respective parish district attorney, who shall determine whether or not the evidence presented establishes grounds for objecting to such candidacy and if the district attorney makes such a determination he shall may file an action objecting to candidacy within the time limitation provided in R.S. 18:493.

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

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 176

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HOUSE BILL NO. 174

BY REPRESENTATIVE HUV AL

AN ACT

To amend and reenact R.S. 33:4546.21, relative to the Louisiana Municipal Natural Gas Purchasing and Distribution Authority; to provide for the authority to require contractors and subcontractors to be prequalified as part of the public bidding process for pipeline facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4546.21 is hereby amended and reenacted to read as follows:

§4546.21. Construction contracts

A. The authority may contract for the planning, acquisition, construction, reconstruction, operation, maintenance, repair, extension, and improvement of a project or may contract with one or more political subdivisions to perform these functions.

B. Whenever such a project includes a pipeline facility that is publicly bid, the authority or the participating political subdivision in which the project will be completed may require, as part of the bidding process, the prequalification of contractors and subcontractors to ensure compliance with the certification requirements of 49 CFR Part 192 and section 356, as mandated by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration or the Louisiana Department of Natural Resources. Any such project subject to prequalification shall otherwise comply with the provisions of R.S. 38:2211 et seq. and any other applicable provisions regarding public procurement or public bidding.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 178
HOUSE BILL NO. 177
BY REPRESENTATIVES WHEAT, MCFARLAND, MCMAHEN, AND THOMPSON
AN ACT
To amend and reenact R.S. 3:2472(A)(1) and (2)(introductory paragraph), relative to sterilization of certain animals; to provide for qualifications of an individual performing a sterilization; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:2472(A)(1) and (2)(introductory paragraph) are hereby amended and reenacted to read as follows:
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2472. Sterilization required
A. Provisions shall be made for the sterilization of all dogs and cats sold or released for adoption or purchased from any public or private animal shelter or animal control agency operated by a humane society or by a parish, city, or other political subdivision by either:
(1) Providing sterilization by a Louisiana licensed veterinarian or an individual that meets the qualifications contained in R.S. 37:1514(2) provided that individual is in their fourth year or the second semester of their third year of veterinary school before relinquishing custody of the animal.
(2) Entering into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed by a Louisiana licensed veterinarian or an individual that meets the qualifications contained in R.S. 37:1514(2) provided that individual is in their fourth year or the second semester of their third year of veterinary school in compliance with a sterilization agreement that shall contain the following information:
Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 179
HOUSE BILL NO. 178
BY REPRESENTATIVE BROWN
AN ACT
To redesignate a portion of Louisiana Highway 77 in the Village of Grosse Tete, Louisiana, as the “Veterans Memorial Highway”; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. The portion of Louisiana Highway 77 located within the municipal corporate limits of the Village of Grosse Tete, Louisiana, shall be known as and hereby redesignated as “Veterans Memorial Highway”.
Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation provided local or private monies are received by the department equal to the department’s actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign. Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 180
HOUSE BILL NO. 184
BY REPRESENTATIVES MACK, ROBBY CARTER, EDMONDS, FRIEeman, AND MINCEY
AN ACT
To enact Section 2 of Act No. 259 of the 2020 Regular Session of the Legislature of Louisiana, relative to students who participate in school-sanctioned athletics; to provide for designation of an Act of the Legislature by means of a short title; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Section 2 of Act No. 259 of the 2020 Regular Session of the Legislature of Louisiana is hereby enacted to read as follows:
Section 2. This Act shall be known and may be cited as “The Remy Hidalgo Act”.
Approved by the Governor, June 11, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 181
HOUSE BILL NO. 187
BY REPRESENTATIVE BAGLEY
AN ACT
To amend and reenact R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (e), to enact R.S. 40:2116.34(A)(12), and to repeal R.S. 40:2116.34(A)(10)
(5), relative to home health services; to define authorized healthcare provider; to authorize nurse practitioners, clinical nurse specialists, and physician assistants to order home health services; to provide rules and regulations for nurse practitioners, clinical nurse specialists, and physician assistants; to provide for administrators of home health agencies; to require reporting to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (e) are hereby amended and reenacted and R.S. 40:2116.34(A)(12) is hereby enacted to read as follows:
§2116.34. Minimum standards; rules and regulations
(6) “Home health agency” means a state-owned and operated agency, or a subdivision of such an agency or organization, or a private nonprofit organization, or a proprietary organization which provides for the skilled home health care to the public, under the order of a physician an authorized healthcare provider and in the place of residence of the person receiving the care, which includes at least skilled nursing and one other service listed in the minimum standards which may be physical therapy, speech therapy, occupational therapy, medical social services, home health aides, or such others as may be listed in the minimum standards;
(7) “State agency” means the division of licensing and certification of the office of the secretary of the Louisiana Department of Health;
(8) “Secretary” means the secretary of the Louisiana Department of Health.
(9) “Physicians” means the licensed medical doctors who provide health services to patients.
(10) “Home health aide services” means semi-skilled assistance by qualified personnel with activities of daily living provided to the patient who requires assistance in at least two areas of functioning and monitoring of vital signs, reporting to a professional under a written plan of care, and requiring clinical note for each patient visit.
(11) “State agency” means the division of licensing and certification of the office of the secretary of the Louisiana Department of Health.
(12) “Physician an authorized healthcare provider” means a physician an authorized healthcare provider.

ACT No. 182
HOUSE BILL NO. 186
BY REPRESENTATIVES WHEAT, MCFARLAND, MCMAHEN, AND THOMPSON
AN ACT
To amend and reenact R.S. 40:2116.34(A)(10)(c) is hereby repealed.
Section 2. R.S. 40:2116.34(A)(10)(c) is hereby repealed.
Section 3. Two years after the effective date of this Act, the Louisiana Department of Health shall submit a written report to the House and Senate committees on health and welfare on the implementation of this Act. The report shall include a statement of fiscal costs and savings attributable to implementation of this Act and an analysis of the impact of this Act on the rate of use of home health services in the Medicaid program.
Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature, by the terms of Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 11, 2021.