

ACTS OF 2021

LEGISLATURE

Acts 120-181

ACT No. 120

HOUSE BILL NO. 516 BY REPRESENTATIVE ZERINGUE AN ACT

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 Expense Fund to the Property Taxation Regulatory/Oversight Program 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 related to Tropical Storm Barry \$ 142,746

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 Laura \$ 16,738,084

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 payment to the Federal Emergency Management Agency for the state's share of Assistance costs associated with 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 related to 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 Ike \$ 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 funding 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	Program due to increased revenues	\$	200,000
Payable out of the State General Fund (Direct) to the Board of Pardons and Parole Program for other compensation	\$	175,000	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).		
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	08-414 DAVID WADE CORRECTIONAL CENTER		
Payable out of the State General Fund (Direct) to the Adult Services Program for offender medical expenses	\$	10,000,000	Payable out of the State General Fund (Direct) to the Administration Program for operating services	\$	101,000
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).			Payable out of the State General Fund (Direct) to the Incarceration Program for salaries, supplies, professional services, other compensation, and acquisitions	\$	3,603,000
08-402 LOUISIANA STATE PENITENTIARY			08-415 ADULT PROBATION AND PAROLE		
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 Administration and Support Program for salaries and related benefits	\$	515,000
Payable out of the State General Fund (Direct) to the Incarceration Program for salaries, other compensation, operating services, and supplies	\$	2,558,000	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 Incarceration Program to pay outstanding balance on equipment purchased through the Installment Purchasing Market program	\$	225,919	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
08-405 RAYMOND LABORDE CORRECTIONAL CENTER			Payable out of the State General Fund by Interagency Transfers to the Field Services Program for personal services expenditures	\$	10,000,000
Payable out of the State General Fund (Direct) to the Incarceration Program for salaries, other compensation, supplies, professional services, and acquisitions	\$	1,281,000	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).		
Payable out of the State General Fund by Fees and Self-generated Revenues to the Auxiliary Account Program due to increased revenues	\$	240,000	08-416 B.B. "SIXTY" RAYBURN CORRECTIONAL CENTER		
08-406 LOUISIANA CORRECTIONAL INSTITUTE FOR WOMEN			Payable out of the State General Fund (Direct) to the Incarceration Program for salaries, supplies, professional services, acquisitions, and major repairs	\$	2,029,000
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	PUBLIC SAFETY SERVICES		
08-408 ALLEN CORRECTIONAL CENTER			08-419 OFFICE OF STATE POLICE		
Payable out of the State General Fund (Direct) to the Incarceration Program for personnel services and supplies	\$	1,338,000	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
08-409 DIXON CORRECTIONAL INSTITUTE			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 (Direct) to the Administration Program for gas and electrical expenses	\$	14,000	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 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 Operational Support Program for the Acadiana Criminalistics Lab	\$	190,000
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	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
08-413 ELAYN HUNT CORRECTIONAL CENTER			Payable out of the State General Fund (Direct) to the Traffic Enforcement Program for operating expenses and for vehicles	\$	8,558,502
Payable out of the State General Fund (Direct) to the Incarceration Program for operating services, supplies, and acquisitions	\$	350,000	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		
Payable out of the State General Fund by Fees and Self-generated Revenues to the Auxiliary Account					

Dedications out of the Riverboat Gaming Enforcement Fund by (\$5,253,152).		of Homeland Security and Emergency Preparedness to the Medical Vendor Administration Program for Federal Emergency Management Agency reimbursements		\$	195,648
Payable out of the State General Fund (Direct) to the Operational Support Program for operating expenses	\$	5,964,426	09-306 MEDICAL VENDOR PAYMENTS		
Payable out of the State General Fund by Statutory Dedications 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 (Direct) to the Payments to Public Providers Program for the Central Louisiana Supports and Services Center		
Payable out of the State General Fund by Statutory Dedications out of the Office of Motor Vehicles Driver's License Escrow Fund to the Traffic Enforcement Program for operating expenses	\$	10,000,000	Payable out of Federal Funds to the Payments to Public Providers Program for the Central Louisiana Supports and Services Center		
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 Insurance Verification System Fund by (\$10,000,000).		Payable out of the State General Fund (Direct) to the Payments to Private Providers Program for projected expenditures			
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).		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 (\$94,799,663).			
Payable out of the State General Fund by Statutory Dedications 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 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 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 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 Dedications out of the Riverboat Gaming Enforcement Fund by (\$95,689).		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 Hospital Stabilization Fund by (\$13,459,367).			
08-422 OFFICE OF STATE FIRE MARSHAL		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 (\$63,870,987).			
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	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 Federal Funds by (\$332,487,237).		
Payable out of the State General Fund (Direct) to the Fire Prevention Program for equipment purchases	\$	110,000	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Public 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 (\$355,665).		
LOUISIANA DEPARTMENT OF HEALTH		The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Payments to Public Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of Federal Funds by (\$985,454).			
09-302 CAPITAL AREA HUMAN SERVICES DISTRICT		Payable out of Federal Funds to the Medicare Buy-Ins & Supplements Program to align with budget forecasts			
Payable out of the State General Fund by Interagency Transfers from the Department of Children and Family Services to the Capital Area Human Services District Program for the Louisiana Health and Rehab Center - Reality House	\$	710,000	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Medicare Buy-Ins & Supplements 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 (\$5,772,323).		
Payable out of the State General Fund (Direct) to the Capital Area Human Services District Program for rent	\$	423,852	Payable out of the State General Fund by Fees and Self-generated Revenues to the Uncompensated Care Costs Program to align with budget forecasts		
09-305 MEDICAL VENDOR ADMINISTRATION		The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Uncompensated Care Costs 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			
Payable out of the State General Fund by Interagency Transfers from the Department of Environmental Quality to the Medical Vendor Administration Program for grant funding	\$	199,784	Payable out of the State General Fund by Fees and Self-generated Revenues to the Uncompensated Care Costs Program to align with budget forecasts		
Payable out of the State General Fund by Interagency Transfers from the Governor's Office of Homeland Security and Emergency Preparedness to the Medical Vendor Administration Program for disaster-related expenditure reimbursements from the Federal Emergency Management Agency	\$	57,373	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Uncompensated Care Costs 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		
Payable out of the State General Fund by Interagency Transfers from the Governor's Office					

Interagency Transfers by (\$7,686,239).		Payable out of the State General Fund by Interagency Transfers from Governor's Office of Homeland Security and Emergency Preparedness to the Public Health Services Program for Hurricane Sally related expenses		\$	21,347
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 (\$56,000,000).		Payable out of the State General Fund (Direct) to the Public Health Services Program for Hurricane Sally related expenses		\$	7,116
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).		Payable out of the State General Fund by Interagency Transfers from Governor's Office of Homeland Security and Emergency Preparedness to the Public Health Services Program for Hurricane Delta related expenses		\$	2,727,387
09-307 OFFICE OF THE SECRETARY		Payable out of the State General Fund (Direct) to the Public Health Services Program for Hurricane Delta related expenses		\$	909,731
Payable out of the State General Fund (Direct) to the Management and Finance Program for disaster-related reimbursements related to Hurricane Delta	\$	189,440	Payable out of the State General Fund by Interagency Transfers from Governor's Office of Homeland Security and Emergency Preparedness to the Public Health Services Program for Tropical Storm Zeta related expenses		
Payable out of the State General Fund (Direct) to the Management and Finance Program for disaster-related reimbursements related to Hurricane Laura	\$	1,859,631	Payable out of the State General Fund (Direct) to the Public Health Services Program for Tropical Storm Zeta related expenses		
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	\$	1,951,074	Payable out of the State General Fund by Statutory Dedications out of the Vital Records Conversion Fund to the Public Health Services Program for electronic birth and death records		
09-320 OFFICE OF AGING AND ADULT SERVICES		Payable out of the State General Fund (Direct) to the Public Health Services Program for the development and construction of the new Terrebonne Parish Health Unit		\$	1,000,000
Payable out of the State General Fund (Direct) to the Administration Protection and Support Program for costs related to Hurricane Laura	\$	232	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Public Health 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 (\$270,000).		
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	\$	2,090	09-330 OFFICE OF BEHAVIORAL HEALTH		
Payable out of the State General Fund (Direct) to the Villa Feliciana Medical Complex Program for costs related to Hurricane Laura	\$	4,203	Payable out of Federal Funds to the Hospital Based Treatment Program for the Zero Suicide initiative		
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	\$	37,830	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		
09-324 LOUISIANA EMERGENCY RESPONSE NETWORK		Payable out of the State General Fund (Direct) to the Behavioral Health Administration and Community Oversight Program for costs related to Hurricane Laura		\$	56,973
Payable out of the State General Fund (Direct) to the Louisiana Emergency Response Network Program for costs related to Hurricane Laura	\$	2,398	Payable out of the State General Fund (Direct) to the Hospital Based Treatment Program for costs related to Hurricane Laura		
Payable out of the State General Fund by Interagency Transfers from the Governor's Office of Homeland Security and Emergency Preparedness to the Louisiana Emergency Response Network Program for disaster-related expenditure reimbursements	\$	21,582	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		
09-326 OFFICE OF PUBLIC HEALTH		Payable out of the State General Fund (Direct) to the Hospital Based Treatment Program for costs related to Hurricane Laura		\$	4,560
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	\$	9,974,548	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		
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 Hurricane Laura related expenses	\$	7,560,188	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		
Payable out of the State General Fund (Direct) to the Public Health Services Program for Hurricane Laura related expenses	\$	840,021			

Payable out of the State General Fund by Fees and Self-generated Revenues to the Behavioral Health Administration and Community Oversight Program for the Transformation Transfer Initiative Grant	\$ 114,645
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).	
Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the Behavioral Health Administration and Community Oversight Program for smoking prevention programs	\$ 47,845
09-340 OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES	
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
Payable out of the State General Fund by Interagency Transfers from the Governor's Office of Homeland Security and Emergency Preparedness to the Pinecrest Supports and Services Center Program for disaster-related expenditure reimbursements	\$ 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	
10-360 OFFICE OF CHILDREN AND FAMILY SERVICES	
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
EXPENDITURES: Division of Family Support for disaster-related expenditures	\$ <u>948,013</u>
TOTAL EXPENDITURES	\$ <u><u>948,013</u></u>
MEANS OF FINANCE: State General Fund (Direct) Federal Funds	\$ 861,399 \$ <u>86,614</u>
TOTAL MEANS OF FINANCING	\$ <u><u>948,013</u></u>
EXPENDITURES: Division of Management and Finance for disaster-related expenditures	\$ <u>1,641,634</u>
TOTAL EXPENDITURES	\$ <u><u>1,641,634</u></u>
MEANS OF FINANCE: State General Fund (Direct) Federal Funds	\$ 1,172,216 \$ <u>469,418</u>
TOTAL MEANS OF FINANCING	\$ <u><u>1,641,634</u></u>
EXPENDITURES: Division of Management and Finance for the LITE/Integrated Eligibility System for additional OTS expenditures including hardware/software costs and staff allocation costs	\$ <u>3,100,000</u>
TOTAL EXPENDITURES	\$ <u><u>3,100,000</u></u>
MEANS OF FINANCE: State General Fund (Direct) Federal Funds	\$ 1,457,000 \$ <u>1,643,000</u>
EXPENDITURES: Division of Management and Finance Program for Task Order Requests for Response (TORFR's) through the Office of Technology Services for information technology projects	\$ <u>2,050,000</u>
TOTAL EXPENDITURES	\$ <u><u>2,050,000</u></u>

MEANS OF FINANCE:	
State General Fund (Direct)	\$ 820,000
Federal Funds	\$ <u>1,230,000</u>
TOTAL MEANS OF FINANCING	\$ <u><u>2,050,000</u></u>
Payable out of the State General Fund (Direct) to the Division of Child Welfare for disaster-related expenditures	\$ 130,106
Payable out of the State General Fund by Fees and Self-generated Revenues to the Division of Child Welfare for additional budget authority to collect increased parental contributions and marriage license fees	\$ 250,000
Payable out of the State General Fund by Fees and Self-generated Revenues to the Division of Family Support for additional budget authority to collect increased child support collections and child support arrears collections resulting from the CARES Act	\$ 1,000,000
DEPARTMENT OF REVENUE	
12-440 OFFICE OF REVENUE	
Payable out of the State General Fund by Fees and Self-generated Revenues to the Tax Collection Program for increased expenses related to the cost of tax adjudication at the Board of Tax Appeals	\$ 179,769
DEPARTMENT OF ENVIRONMENTAL QUALITY	
13-856 OFFICE OF ENVIRONMENTAL QUALITY	
Payable out of the State General Fund by Statutory Dedications out the Clean Water State Revolving Fund to the Office of Environmental Assessment Program	\$ 450,000
The commissioner of administration is hereby authorized and directed 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 by Fees and Self-generated Revenues by (\$450,000).	
LOUISIANA WORKFORCE COMMISSION	
14-474 WORKFORCE SUPPORT AND TRAINING	
Payable out of the State General Fund (Direct) to the Office of Management and Finance Program for costs related to natural disasters	\$ 154,623
DEPARTMENT OF WILDLIFE AND FISHERIES	
16-511 OFFICE OF MANAGEMENT AND FINANCE	
Payable out of the State General Fund by Statutory Dedications out of the Conservation Fund to the Office of Management and Finance for unanticipated OTS related expenditures	\$ 810,886
16-512 OFFICE OF THE SECRETARY	
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 Dedications 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	

17-565 BOARD OF TAX APPEALS

Payable out of the State General Fund by Interagency Transfers from the Office of Revenue to the Administrative Program for operating expenses \$ 179,769

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).

RETIREMENT SYSTEMS

In accordance with Constitution Article VII, Section 10(D)(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

Payable out of the State General Fund (Direct) to the Office of Student Financial Assistance Program for increased TOPS billings \$ 1,600,000

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 (\$9,846,209).

19-600 LOUISIANA STATE UNIVERSITY BOARD OF SUPERVISORS

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

Provided, however, that the amount appropriated above from 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
Louisiana State University - Health Sciences Center -

Shreveport \$ 100,000

Payable out of the State General Fund by Interagency Transfers from the Minimum Foundation Program to the Louisiana State University Board of Supervisors, Louisiana State University - Agricultural and Mechanical College Laboratory School \$ 150,847

Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for Pennington Biomedical Research Center \$ 1,600,000

Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University-Agricultural Center for operating expenses \$ 1,200,000

Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University Agricultural Center for National Estuarine Research Reserve initiatives \$ 600,000

Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University - Agricultural Center for facility renovations at Camp Grant Walker \$ 500,000

Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University Agricultural Center for renovations to the Parker Agricultural Coliseum \$ 7,000,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Louisiana State University Health Sciences Center - Shreveport, 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).

Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Louisiana State University Board of Supervisors for the Louisiana State University-A&M College Laboratory School \$ 7,176

Payable out of the State General Fund by Statutory Dedications out of the Fireman's Training Fund to the Louisiana State University-A&M College \$ 122,957

Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the Louisiana State University Board of Supervisors for the Louisiana State University Health Sciences Center at Shreveport \$ 93,796

Payable out of the State General Fund by Statutory Dedications out of the Tobacco Tax Health Care Fund to the Louisiana State University Board of Supervisors for the Louisiana State University-Agricultural Center \$ 47,845

19-615 SOUTHERN UNIVERSITY BOARD OF SUPERVISORS

Payable out of the State General Fund by Interagency Transfers from the Minimum Foundation Program to the Southern University Board of Supervisors, Southern University - Agricultural and Mechanical College Laboratory School \$ 841,307

Payable out of the State General Fund (Direct) to the Southern University Board of Supervisors for Southern University-Shreveport, Louisiana for implementation of an integrated health clinic \$ 300,000

Payable out of the State General Fund (Direct) to the Southern University Board of Supervisors for infrastructure upgrades and equipment \$ 1,475,000

EXPENDITURES:
Southern University-Agricultural Research

& Extension Center for United States Department of Agriculture matching grant funds	\$	5,000,000	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
TOTAL EXPENDITURES	\$	5,000,000			
MEANS OF FINANCE:			19-658 THRIVE ACADEMY		
State General Fund (Direct)	\$	2,500,000	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
Federal Funds	\$	2,500,000	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
TOTAL MEANS OF FINANCING	\$	5,000,000	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 Fees and Self-generated Revenues to the Southern University Board of Supervisors due to changes in enrollment	\$	3,857,077	Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Instruction Program	\$	814
Provided, however, that the amount appropriated above from Fees and Self-generated Revenues shall be allocated as follows:			19-662 LOUISIANA EDUCATIONAL TELEVISION AUTHORITY		
Southern University - Law Center	\$	3,857,077	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 by Statutory Dedications out of the Education Excellence Fund to the Southern University Board of Supervisors for the Southern University Agricultural & Mechanical College Laboratory School	\$	6,142	Payable out of the State General Fund (Direct) to the Broadcasting Program for COVID-19 related expenses	\$	200,000
19-620 UNIVERSITY OF LOUISIANA BOARD OF SUPERVISORS			Payable out of the State General Fund (Direct) to the Broadcasting Program for expenses related to equipment repair, replacement and maintenance	\$	1,448,125
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.			19-673 NEW ORLEANS CENTER FOR THE CREATIVE ARTS		
19-649 LOUISIANA COMMUNITY AND TECHNICAL COLLEGES BOARD OF SUPERVISORS			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 Fees and Self-generated Revenues to the Louisiana Community and Technical Colleges Board of Supervisors due to changes in enrollment	\$	3,671,000	Payable out of the State General Fund by Interagency Transfers from the Department of Education to the Instruction Program for supplies	\$	82,000
Provided, however, that the amount appropriated above from Fees and Self-generated Revenues shall be allocated as follows:			Payable out of the State General Fund by Statutory Dedications out of the Education Excellence Fund to the Instruction Program	\$	1,309
Baton Rouge Community College	\$	1,650,000	DEPARTMENT OF EDUCATION		
Nunez Community College	\$	800,000	19-678 STATE ACTIVITIES		
Louisiana Delta Community College	\$	521,000	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
Northwest Louisiana Technical Community College	\$	700,000	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
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.			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
Provided, however, that the reduction above from Fees and Self-generated Revenues shall be allocated as follows:			Payable out of the State General Fund (Direct) to the District Support Program due to lost revenues	\$	275,000
Delgado Community College	\$	(3,000,000)	Payable out of the State General Fund (Direct) to the Administrative Support Program for the CYBER.ORG cyber range project	\$	2,000,000
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					

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
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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
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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
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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
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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
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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
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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
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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).

**LOUISIANA STATE UNIVERSITY HEALTH SCIENCES CENTER HEALTH
CARE SERVICES DIVISION**

**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
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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
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Payable out of the State General Fund (Direct)

THE ADVOCATE * As it appears in the enrolled bill
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to the Local Reentry Services Program for increased costs	\$	269,000
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The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Criminal Justice Reinvestment Initiative 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 (\$6,565,000).

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Transitional Work 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 (\$975,000).

20-906 DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS

Payable out of the State General Fund (Direct) to the Twenty-third Judicial District Court District Attorney's office for computer upgrades	\$	110,000
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20-923 CORRECTIONS DEBT SERVICE

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Corrections Debt Service 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 (\$2,480,500).

20-924 VIDEO DRAW POKER DEVICE FUND - LOCAL GOVERNMENT AID

Payable out of the State General Fund by statutory dedication from the Video Draw Poker Device Fund for local government aid	\$	3,713,607
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20-930 HIGHER EDUCATION-DEBT SERVICE AND MAINTENANCE

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Debt Service and Maintenance 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 (\$4.833,000)

20-931 LOUISIANA ECONOMIC DEVELOPMENT-DEBT SERVICE AND STATE COMMITMENTS

Payable out of Federal Funds to the Debt Service and State Commitments Program for grant proceeds for improvements to the Vernon Parish School Board and School District	\$	6,839,476
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The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Debt Service and State Commitments 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 (\$600,000).

Payable out of the State General Fund by fees and self-generated revenue from LSU for the state commitment to the New Orleans BioInnovation Center (NOBIC)	\$	250,000
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20-945 STATE AID TO LOCAL GOVERNMENT ENTITIES

Payable out of the State General Fund (Direct) to the city of New Iberia for the study of economic development in West Bend	\$	10,000
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Payable out of the State General Fund (Direct) to the Lafourche Parish School Board to partially satisfy the obligation of the state pursuant to R.S. 41:642(A)(2) for oil and gas royalties	\$	1,013,961
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Payable out of the State General Fund (Direct) to Sexual Trauma Awareness and Response	\$	250,000
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Payable out of the State General Fund (Direct) to St. Tammany Parish for Carr Road dredging	\$	250,000
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Payable out of the State General Fund (Direct) to the town of Farmerville for historic building renovations	\$	250,000
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Payable out of the State General Fund (Direct) to the town of Jean Lafitte for police vehicles	\$	50,000
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Payable out of the State General Fund (Direct) to the town of Jean Lafitte for the Jean Lafitte Seafood Festival	\$	200,000	Society for roof repairs to the Northeast Louisiana Delta African American Heritage Museum	\$	50,000
Payable out of the State General Fund (Direct) to the Ponchatoula Police Department for equipment	\$	70,000	Payable out of the State General Fund (Direct) to the Louisiana Center Against Poverty, Inc.	\$	200,000
Payable out of the State General Fund (Direct) to the city of Ponchatoula for recreational improvements	\$	60,000	Payable out of the State General Fund (Direct) to the Richland Parish Police Jury for emergency road repairs	\$	50,000
Payable out of the State General Fund (Direct) to the city of Ponchatoula for pavilion construction	\$	70,000	Payable out of the State General Fund (Direct) to the East Carroll Parish Police Jury for emergency road repairs	\$	50,000
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	\$	50,000	Payable out of the State General Fund (Direct) to the Madison Parish Police Jury for emergency road repairs	\$	50,000
Payable out of the State General Fund (Direct) to the Iowa Police Department for hurricane response equipment	\$	30,000	Payable out of the State General Fund (Direct) to the West Carroll Police Jury for emergency road repairs	\$	50,000
Payable out of the State General Fund (Direct) to the Calcasieu Parish Ward 8 Fire District #1 for a truck replacement	\$	40,000	Payable out of the State General Fund (Direct) to the Morehouse Parish Police Jury for emergency road repairs	\$	50,000
Payable out of the State General Fund (Direct) to the Jefferson Davis Fire District #1 for fire station hurricane repairs	\$	30,000	Payable out of the State General Fund (Direct) to the Ascension Parish Sheriff's Office for body cameras	\$	110,000
Payable out of the State General Fund (Direct) to the town of Elton for road repair	\$	50,000	Payable out of the State General Fund (Direct) to the Geismar Volunteer Fire Department for equipment	\$	30,000
Payable out of the State General Fund (Direct) to the Jefferson Davis Police Jury for road repair	\$	100,000	Payable out of the State General Fund (Direct) to Avoyelles Parish for repaving the Highway 107 115 Cutoff	\$	250,000
Payable out of the State General Fund (Direct) to the city of Opelousas for infrastructure and economic development	\$	200,000	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	\$	100,000
Payable out of the State General Fund (Direct) to the town of Sunset for infrastructure and economic development	\$	25,000	Payable out of the State General Fund (Direct) to Jefferson Parish for cooling fans at LaSalle Park	\$	60,000
Payable out of the State General Fund (Direct) to the town of Washington for infrastructure and economic development	\$	25,000	Payable out of the State General Fund (Direct) to the city of Harahan for a sewer cover rehabilitation project	\$	50,000
Payable out of the State General Fund (Direct) to Jefferson Parish for senior, economic, and community activities in Council District No. 3	\$	250,000	Payable out of the State General Fund (Direct) to Jefferson Parish for the Lafreniere rehabilitation project	\$	40,000
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	\$	200,000	Payable out of the State General Fund (Direct) to the Rapides Parish Sheriff's Office for equipment and renovations at Hineston substation	\$	250,000
Payable out of the State General Fund (Direct) to the city of Zachary for recreational improvements	\$	20,000	Payable out of the State General Fund (Direct) to the Bossier City Fire Department for equipment	\$	50,000
Payable out of the State General Fund (Direct) to the town of Erath for a utility substation	\$	400,000	Payable out of the State General Fund (Direct) to the Bossier Parish Police Jury for recreational improvements	\$	50,000
<i>Vetoed--June 9, 2021</i> <i>Veto #1</i>	<i>/s/ John Bel Edwards</i> <i>Gov. of La.</i>		<i>Vetoed--June 9, 2021</i> <i>Veto #2</i>	<i>/s/ John Bel Edwards</i> <i>Gov. of La.</i>	
Payable out of the State General Fund (Direct) to the town of Oberlin for emergency road repairs	\$	126,000	Payable out of the State General Fund (Direct) to the Bossier Parish Police Jury for the Save 537 Coalition Engineering Report	\$	25,000
Payable out of the State General Fund (Direct) to the Allen Parish Police Jury for emergency road repairs	\$	100,000	Payable out of the State General Fund (Direct) to the St. George Fire Protection District for capital improvements	\$	250,000
Payable out of the State General Fund (Direct) to the Finding Our Roots African American Museum for operating expenses	\$	50,000	Payable out of the State General Fund (Direct) to the Second Harvest Food Bank of Greater New Orleans and Acadiana for operating expenses	\$	250,000
Payable out of the State General Fund (Direct) to the MidCity Baptist Community Fellowship	\$	250,000	Payable out of the State General Fund (Direct) to the town of Jackson for fire station roof repairs	\$	40,000
Payable out of the State General Fund (Direct) to the Ouachita African American Historical			Payable out of the State General Fund (Direct) to the town of Clinton for equipment and repairs	\$	40,000

Payable out of the State General Fund (Direct) to the village of Wilson for building renovations	\$	20,000	Payable out of the State General Fund (Direct) to the Desoto Parish Police Jury for road repairs	\$	200,000
Payable out of the State General Fund (Direct) to the village of Norwood for water upgrades	\$	20,000	Payable out of the State General Fund (Direct) to the City of Rayne for MLK Center construction	\$	200,000
Payable out of the State General Fund (Direct) to the town of St. Francisville for town hall repairs	\$	45,000	Payable out of the State General Fund (Direct) to the Acadia Parish Police Jury for upgrades at Le Gros Memorial Airport	\$	125,000
Payable out of the State General Fund (Direct) to the town of Slaughter for road and drainage improvements	\$	35,000	Payable out of the State General Fund (Direct) to the Crowley Fire Department for fire station renovations	\$	125,000
Payable out of the State General Fund (Direct) to the city of Zachary for recreational facility improvements	\$	50,000	Payable out of the State General Fund (Direct) to the city of Crowley for building renovations, equipment, and recreational improvements	\$	150,000
Payable out of the State General Fund (Direct) to the St. Helena Police Jury for St. Helena Parish courthouse repairs	\$	75,000	Payable out of the State General Fund (Direct) to the Acadia Parish Police Jury for fire protection equipment	\$	140,000
Payable out of the State General Fund (Direct) to the Algiers Economic Development Foundation for the Algiers Career and Educational Development Program	\$	75,000	Payable out of the State General Fund (Direct) to the town of Duson for road lighting upgrades and police equipment	\$	70,000
Payable out of the State General Fund (Direct) to the Algiers Development District for infrastructure	\$	75,000	Payable out of the State General Fund (Direct) to the Village of Morse for water meter upgrades and police equipment	\$	65,000
Payable out of the State General Fund (Direct) to Jefferson Parish for recreational infrastructure in Council District No. 3	\$	75,000	Payable out of the State General Fund (Direct) to the Village of Estherwood for equipment and police equipment	\$	50,000
Payable out of the State General Fund (Direct) to the Algiers Development District for technical enhancements to the historic Algiers courthouse	\$	75,000	Payable out of the State General Fund (Direct) to the Village of Mermentau for equipment and police equipment	\$	50,000
Payable out of the State General Fund (Direct) to the Baker Economic Development District and Convention Center	\$	30,000	Payable out of the State General Fund (Direct) to the Israelite Community Development Corporation for youth programs	\$	25,000
Payable out of the State General Fund (Direct) to Jefferson Parish for the fire training center	\$	400,000	Payable out of the State General Fund (Direct) to Assumption Parish for the repaving of Lee Drive	\$	1,000,000
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	\$	1,000,000	Payable out of the State General Fund (Direct) to St. John the Baptist Parish for infrastructure and repairs	\$	190,000
Payable out of the State General Fund (Direct) to the Winn Parish Police Jury for road repairs	\$	1,000,000	Payable out of the State General Fund (Direct) to St. Charles Parish for drainage improvements	\$	1,000,000
<i>Vetoed--June 9, 2021 Veto #3</i>	<i>/s/ John Bel Edwards Gov. of La.</i>		Payable out of the State General Fund (Direct) to St. Charles Parish for infrastructure improvements	\$	260,000
Payable out of the State General Fund (Direct) to the Mary Bird Perkins Cancer Center for equipment	\$	500,000	Payable out of the State General Fund (Direct) to St. Martin Parish for land acquisition	\$	1,000,000
Payable out of the State General Fund (Direct) to the East Baton Rouge Parish Sheriff's Office for construction of a training facility	\$	450,000	Payable out of the State General Fund (Direct) to the city of Alexandria for water well replacement	\$	1,000,000
Payable out of the State General Fund (Direct) to the town of Stonewall for road improvements	\$	400,000	Payable out of the State General Fund (Direct) to the Brown Park Association for recreational improvements	\$	500,000
Payable out of the State General Fund (Direct) to the Sabine Parish Police Jury for recreational infrastructure	\$	200,000	Payable out of the State General Fund (Direct) to the Community Foundation of Acadiana	\$	500,000
<i>Vetoed--June 9, 2021 Veto #4</i>	<i>/s/ John Bel Edwards Gov. of La.</i>		Payable out of the State General Fund (Direct) to the Lafayette Consolidated Government for Ambassador Caffery/Kaliste Saloom road construction	\$	500,000
Payable out of the State General Fund (Direct) to the Caddo Parish Commission for recreational improvements	\$	100,000	Payable out of the State General Fund (Direct) to the city of Broussard for La Nouvelle Road overlay project	\$	250,000
Payable out of the State General Fund (Direct) to the town of Logansport for facility upgrades	\$	60,000	Payable out of the State General Fund (Direct) to the city of Youngsville for recreational improvements	\$	250,000
Payable out of the State General Fund (Direct) to the village of Grand Cane for renovation of historic buildings	\$	40,000			

Payable out of the State General Fund (Direct) to the Denham Springs Drainage District No. 1 for equipment	\$	200,000	to Ascension Parish for the utility substation on Diversion Canal	\$	300,000
Payable out of the State General Fund (Direct) to STEM NOLA	\$	100,000	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 Washington Parish Fair Association for fairground repairs from tornado damage	\$	30,000	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 city of Bogalusa for recreational infrastructure	\$	15,000	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 Bogalusa YMCA for repairs and equipment upgrades	\$	10,000	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 the Terrebonne Parish Consolidated Government for economic development construction projects in downtown Houma	\$	900,000	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 the city of Ruston for improvements to Industrial Park	\$	300,000	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 the Lincoln Parish Fire Protection District #1 for building improvements	\$	200,000	Payable out of the State General Fund (Direct) to Terrebonne Parish for the Terrebonne Sports Complex	\$	500,000
Payable out of the State General Fund (Direct) to the Union Parish Policy Jury for courthouse elevator repairs	\$	130,000	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the appropriation to the LA Cancer Research Center of LSU HSCNO and Tulane HSC, 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 (\$1,360,000).		
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 by Statutory Dedications out of the Tobacco Tax Health Care Fund to State Aid to Local Governmental Entities to align payments to the Louisiana Cancer Research Centers at the Louisiana State University Health Sciences Center - New Orleans and the Tulane University Health Sciences Center with the most recent Revenue Estimating Conference (REC) forecast	\$	241,138
Payable out of the State General Fund (Direct) to the Washington Parish School Board for refurbishing school property	\$	500,000	20-966 SUPPLEMENTAL PAYMENTS TO LAW ENFORCEMENT PERSONNEL		
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 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 Fire Fighters Program for payments to eligible recipients	\$	1,000,000
Payable out of the State General Fund (Direct) to the town of Lake Providence for water and sewer infrastructure and road repairs	\$	50,000	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Deputy Sheriffs 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 (\$1,500,000).		
Payable out of the State General Fund (Direct) to the town of Delhi for water and sewer infrastructure and road repairs	\$	50,000	The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Municipal Police Program, as contained in Act 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by (\$250,000).		
Payable out of the State General Fund (Direct) to the town of Rayville for water and sewer infrastructure and road repairs	\$	250,000	20-XXX FUNDS		
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 the Administrative Program	\$	42,945
Payable out of the State General Fund (Direct) to Pointe Coupee Parish for parish courthouse repairs	\$	317,000	The state treasurer is hereby authorized and directed to transfer \$42,945 from the State General Fund (Direct) into the Self-Insurance Fund.		
Payable out of the State General Fund (Direct) to St. James Parish for erosion mitigation and drainage improvements	\$	250,000	ANCILLARY APPROPRIATIONS		
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	21-800 OFFICE OF GROUP BENEFITS		
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 by Fees and Self-generated Revenues to the State Group Benefits Program for aligning the budget with actuarial projections	\$	34,562,626
Payable out of the State General Fund (Direct) to the Creole House Museum for storm repairs	\$	100,000	21-804 OFFICE OF RISK MANAGEMENT		
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 by Fees and Self-generated Revenues to the Risk Management Program for survivor benefits claims	\$	1,000,000

Payable out of the State General Fund (Direct) to the Risk Management Program for insured losses from the May 18, 2021 flood	\$	1,277,029
Payable out of the State General Fund (Direct) to the Risk Management Program for outstanding balance of Risk Management Premiums	\$	6,570,177
Payable out of the State General Fund (Direct) to the Risk Management Program for the claims payments related to disaster recovery	\$	27,777,500

21-806 LOUISIANA PROPERTY ASSISTANCE AGENCY

Payable out of the State General Fund by Fees and Self-generated Revenues to the Louisiana Property Assistance Program for reimbursement of movable property sale	\$	750,000
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The commissioner of administration is hereby authorized and directed to adjust the means of finance for Louisiana Property Assistance Agency, as contained in Act 11 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund by Interagency Transfers by (\$300,000).

21-815 OFFICE OF TECHNOLOGY SERVICES

Payable out of the State General Fund by Interagency Transfers to the Technology Services Program for contract services and software projects	\$	28,119,264
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Payable out of the State General Fund by Interagency Transfers from the Department of Education via Consolidated Appropriation Act of 2021 to non public schools to procure laptops and Chromebooks	\$	15,000,000
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Payable out of the State General Fund by Interagency Transfers from the Department of Children and Family Services for P-EBT and SNAP services emergency contracts	\$	4,580,000
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JUDICIAL EXPENSE

23-949 LOUISIANA JUDICIARY

Payable out of the State General Fund (Direct) to the Louisiana Judiciary	\$	2,548,533
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Payable out of the State General Fund (Direct) to the Fortieth Judicial District Court for a pilot literacy program	\$	75,000
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Section 2.(A) Notwithstanding any provision of law to the contrary, each appropriation contained in Other Requirements, Schedule 20-945 State Aid to Local Government Entities, in Act No. 45 of the 2020 Second Extraordinary Session of the Legislature, which appropriation has a valid Cooperative Endeavor Agreement on June 30, 2021, shall be deemed a bona fide obligation through December 31, 2021, and all other provisions of the Cooperative Endeavor Agreement, including but not limited to reporting requirements, shall be performed as agreed.

(B) Notwithstanding any provision of law to the contrary, each appropriation contained in this Act shall be deemed a bona fide obligation through June 30, 2022.

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 7, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 121

HOUSE BILL NO. 84

BY REPRESENTATIVES MARCELLE, BRASS, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, DUPLESSIS, FREEMAN, GAINES, GLOVER, GREEN, HUGHES, JAMES, JEFFERSON, JENKINS, JONES, JORDAN, LANDRY, LARVADAIN, LYONS, NEWELL, PIERRE, SELTERS, AND WILLARD
AN ACT

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

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 person 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 any person 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 any person 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 Act 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)(5) and Subsections D, E, and H 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~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

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 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. 13:1595.3(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. 13:1595.3(C) is hereby enacted to read as follows:
§1595.3. 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, 848, 868, 888, 896, 897, 899, 901.1, and 924, and Code of Criminal Procedure Article 887.

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

ACT No. 126

HOUSE BILL NO. 325
BY REPRESENTATIVE LARVADAIN
AN ACT

To enact R.S. 40:2405.9 and Code of Criminal Procedure Article 223, relative to the arrest of persons with minor or dependent children; to provide for the establishment of guidelines and training for law enforcement officers regarding the arrest of persons with minor or dependent children; to require the Council on Peace Officer Standards and Training to develop the guidelines and training in conjunction with certain organizations; to provide for certain requirements of law enforcement officers upon arrest of a person; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2405.9 is hereby enacted to read as follows:
§2405.9. Identification of minor or dependent children of an arrested person; guidelines and training
A. The Council on Peace Officer Standards and Training shall develop guidelines and provide training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.
B. The guidelines and training shall include all of the following:
(1) Procedures to ensure that law enforcement officers inquire or otherwise ascertain whether an arrested person has a minor or dependent under his care, custody, or control at the time of the arrest.
(2) Procedures for the proper arrangement of temporary care for children to ensure their safety and well-being with a priority on placing children with supportive family members and trusted adults.(3) Education on how witnessing a violent crime or other event causes emotional harm to children and how law enforcement can assist in mitigating the long-term effects of the trauma.
(4) Procedures for reporting on the number of instances requiring a referral

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.

(5) Procedures to ensure 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 603.

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

Art. 223. Identification of minor or dependent children upon arrest; required inquiry; guidelines

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. 40:2405.9.

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 himself, others, or the law enforcement officer.

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

(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, JAMES, JEFFERSON, JONES, LANDRY, LARVADAIN, 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 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 officials in the Department of State and in the Department of Public Safety and Corrections relative to such reports; to provide for the information required to be reported; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1), (2), and (3)(b) are hereby amended and reenacted and R.S. 18:102(C) is hereby enacted to read as follows:

§102. Ineligible persons

A. No person shall be permitted to register or vote who is:

(1)

* * *

(b) Except as provided in Subparagraph (c) of this Paragraph, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

* * *

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.(1) If requested, the sheriff and district attorney shall provide information regarding a person convicted of a felony 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.

(2) If requested, the secretary of the Department of Public Safety and Corrections or his authorized representative shall provide information to a registrar of voters regarding a person who is under an order of imprisonment for conviction of a felony, including whether 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. 18:1461.2 and whether the person has been incarcerated pursuant to the order within the last five years.C.(1) The secretary of the Department of Public Safety and Corrections shall send to the Department of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person who has a felony conviction and who is currently under the custody or supervision of the Department of Public Safety and Corrections: who meets either of the following:

(a) The person is under an order of imprisonment for conviction of a felony and has been incarcerated pursuant to the order within the last five years.

(b) 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. 18:1461.2.

(2) The secretary of the Department of Public Safety and Corrections shall send to the Department of State supplemental reports, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person who has a felony conviction, who is currently under the custody or supervision of the Department of Public Safety and Corrections, and whose name was not on required information for persons described in Paragraph (1) of this Subsection who were not included in the report sent pursuant to Paragraph (1) of this Subsection or on in any subsequent supplemental report. The secretary shall also indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of the Department of Public Safety and Corrections and whether the individual has been granted or is eligible to be granted a first offender pardon. Such supplemental reports shall be sent to the Department of State on no less than a quarterly basis.

(3) Upon receipt of any supplemental report, the Department of State shall confirm that the information therein has been entered into the department's databases and provide for correction, if necessary.

(3)(4) The Department of State shall send to the registrar of voters of each parish such information received from the Department of Public Safety and Corrections regarding persons with a felony conviction on no less than a quarterly basis.

* * *

§171.1. Conviction of felony in federal court; notification

A.(1) Each United States attorney shall give written notice to the secretary of state of any felony conviction of a person in a district court of the United States for which there is an order of imprisonment in a district court of the United States to the secretary of state and for which the person is incarcerated pursuant to the order.

* * *

§176. Suspension and cancellation of registration and challenge of unlawful registration on the basis of reports

A.(1) The registrar shall send a notice to each person listed on a report received pursuant to R.S. 18:171 or 171.1 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 notice shall be mailed first class, postage prepaid, to the address on file at the registrar's office.

(2) The notice shall state that the registrar has information that the registrant has been convicted of a felony and is under an order of imprisonment for conviction of a felony and that the conviction is for an election offense or the registrant has been incarcerated pursuant to the order within the last five years. The notice and shall inform the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his registration should not be

suspended.
(3)

* * *

(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 precinct 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 registrar 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

HOUSE BILL NO. 554

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

AN ACT

To enact R.S. 1:55.1, relative to legal holidays; to provide that Juneteenth Day 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: Juneteenth Day

The third Saturday in June, Juneteenth Day, 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

HOUSE BILL NO. 143

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 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 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) ~~In~~ 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:

* * *

(3)(a) 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 adjusted 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) The assessed value as determined by the most recent reappraisal before the adjustment in assessed value shall be included as taxable property in excess of the homestead exemption for purposes of any subsequent reappraisal and valuation for millage adjustment purposes under Article VII, Section 23(B) of this constitution. The decrease in the total amount of ad valorem tax collected in Orleans Parish as a result of the adjusted assessed value shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment except for the millage adjustment authorized by Article VII, Section 23(B) of this Constitution, which shall not be in excess of the prior year's maximum authorized millage. Implementation of the adjustment to the assessed valuation authorized in this Subparagraph shall neither trigger nor be cause for a reappraisal of property.

(c) The provisions of this Subparagraph shall not apply to the transfer or conveyance of ownership of the property. Following a transfer or conveyance, the ad valorem taxes on the property shall be based upon the fair market value as determined at the most recent reappraisal.

(d) The provisions of this Subparagraph shall not apply to the extent the increase was attributable to construction on or improvements to the property.

(e) Written notices of tax due issued by the collector for properties to which this Subparagraph applies shall be based on the adjusted assessed value.

* * *

Section 2. Be it further resolved that the provision of the amendment contained in this Joint Resolution shall become effective January 1, 2023, and shall be applicable to tax years beginning on or after January 1, 2023.

Section 3. 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 4. 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 limit the amount of an increase in the assessed value of residential property subject to the homestead exemption in Orleans Parish following reappraisal at ten percent of the property's assessed value in the previous year? (January 1, 2023) (Amends Article VII, Section 18(F)(2)(a)(introductory paragraph) and Adds Article VII, Section 18(F)(3))

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 130

HOUSE BILL NO. 154

BY REPRESENTATIVES ZERINGUE AND THOMPSON
A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10.1(B), 10.8(B), 10.11(D), and 14(B) 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 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, Sections 10.1(B), 10.8(B), 10.11(D), and 14(B) 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 by 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~~ sixty-five percent, may be invested in stock. 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

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the state.

(2) Issue policy advice relative to sales and use taxes levied by all taxing authorities within the state.

(3) Develop rules, regulations, and guidance to simplify and streamline the audit process for sales and use taxpayers.

(E) The commission shall be funded with state and local sales and use tax revenues collected and deemed by the commission, to be reasonable and necessary costs of the administration and collection of sales and use taxes levied by all taxing authorities within the state.

(F) One year following the first meeting of the commission, the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board shall be abolished. The powers, duties, functions, and responsibilities of the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board shall be transferred to, exercised by, and under the administration and control of the commission. When the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board are abolished:(1) Any reference in law to the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board shall be deemed to apply to the commission.

(2) All books, papers, records, actions, and other property, heretofore possessed, controlled, or used by the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board are hereby transferred to the commission.

(3) All employees of the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board shall be transferred to the commission.

(G) The adoption or amendment of any rule by the commission shall require a two-thirds vote of the members of the commission and shall be in accordance with the provisions of the Administrative Procedure Act.

(H) All statutory provisions enacted relative to the duties, funding, or obligations of the commission shall require the enactment of law by a two-thirds vote of the elected members of each house of the legislature.

~~(D)(1) Absent the enactment of statutory provisions pursuant to Subparagraphs (D)(1) through (3) of this Section, local sales and use tax collection shall be as provided in Article VII, Section 3(B) of this Constitution and state sales and use tax collection and administration shall be by the Department of Revenue as provided by law.~~

(2) Any law enacting provisions pursuant to Subparagraphs (D)(1) through (3) of this Section shall require a two-thirds vote of the elected members of each house of the legislature. Beginning on the effective date of such law, the provisions of Article VII, Section 3(B) of this Constitution shall cease to be effective and shall be inapplicable, inoperable, and of no effect for the limited purposes of the commission's duties as set forth in Subparagraphs (D)(1) through (3) of this Section.

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. If the Act which originated as Senate Bill No. 149 of this 2021 Regular Session of the Legislature does not become effective and no statewide election is held on October 9, 2021, 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 an amendment to authorize the legislature to provide for the streamlined electronic filing, electronic remittance, and the collection of sales and use taxes levied within the state by the State and Local Streamlined Sales and Use Tax Commission and to provide for the funding, duties, and responsibilities of the commission? (Adds Article VII, Section 3.1)

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 132

SENATE BILL NO. 87
BY SENATOR CONNICK
A JOINT RESOLUTION

Proposing to amend Article VI, Section 39 of the Constitution of Louisiana, relative to taxing authority of levee districts; to provide for the millage limits on certain levee districts; 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 VI, Section 39 of the Constitution of Louisiana, to read as follows:

§39. Levee District Taxes

Section 39.(A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district ~~created prior to January 1, 2006, except as provided~~

in Paragraph (C) of this Section, may levy annually a tax not to exceed five mills, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow.

(B) Millage Increase. If the necessity to raise additional funds arises in any levee district ~~created prior to January 1, 2006,~~ for any purpose set forth in Paragraph (A) of this Section, or for any other purpose related to its authorized powers and functions as specified by law, the tax may be increased. However, the necessity and the rate of the increase shall be submitted to the electors of the district, and the tax increase shall take effect only if approved by a majority of the electors voting thereon in an election held for that purpose.

(C) **Certain** Districts Created After January 1, 2006. For any purpose set forth in Paragraph (A) of this Section, the governing authority of a levee district created after January 1, 2006, **and where a majority of the electors in the district failed to approve the provisions of this Section in an election held on October 9, 2021, or a levee district created after October 9, 2021,** may annually levy 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 of the district who vote 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 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 allow levee districts created after January 1, 2006, and before October 9, 2021, whose electors approve the amendment to levy an annual tax not to exceed five mills for the purpose of constructing and maintaining levees, levee drainage, flood protection, and hurricane flood protection? (Amends Article VI, Section 39)

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 133

SENATE BILL NO. 154
BY SENATOR SMITH AND REPRESENTATIVES BOURRIQUE,
FARNUM, HUGHES, MCMAHEN, 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, to read 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) **above of this Section** but not in excess of ~~the prior year's~~ **the** 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 after a public 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. Such public notice shall be published in the official journal 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 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 the levying of a lower millage rate by a local taxing authority while maintaining the authority's ability to adjust

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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 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 47 of the Louisiana Revised Statutes on January 1, 2003 **rate shall not exceed four and three-quarters percent for tax years beginning after December 31, 2021.** Federal income taxes paid ~~shall~~ **may** be allowed as a deductible item in computing state income taxes for the same period **as provided by law.**

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 VILLIO
AN ACT

To amend and reenact R.S. 11:2091(B)(5), relative to the board of trustees of the Registrars of Voters Employees' Retirement System; to provide for qualifications of member trustees; to provide for limits on service by member trustees; 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. 11:2091(B)(5) is hereby amended and reenacted to read as follows:

§2091. 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 ~~ten~~ **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 ~~two~~ **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 depositing 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 "FREIF", 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. 13:5554(S).~~

~~B. The sheriff of Franklin Parish may contribute to the FREIF 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 in fixed income investments into the FREIF, provided that a minimum of twenty-five percent of the fixed income portion 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 premium costs provided in R.S. 13:5554(S) for retired sheriffs and retired deputy sheriffs of Franklin Parish, legal representation costs for the FREIF Board, or both, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the FREIF 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 FREIF 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, CREWS, EDMONSTON, FREEMAN,
GLOVER, HARRIS, HODGES, HORTON, MCFARLAND, RISER,
SCHEXNAYDER, AND THOMPSON
AN ACT

To amend and reenact R.S. 11:471(D)(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.

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. 11:471(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,~~

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 the 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 payable 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) A 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.

* * *

(I)(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 payable 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.

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

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)(h) and (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 reenacted and R.S. 11:701(33)(a)(xv), 1902(12)(h) and (i), and 1903.1 are hereby enacted to read as follows:

§701. Definitions

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

(xv) 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:

* * *

(12)

* * *

(b) "Employee" shall also mean a person employed by either the Police Jury Association of Louisiana, ~~the Louisiana School Boards Association~~, or this 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.~~

* * *

(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.

(iii) He is not the director of the Louisiana School Boards Association.

(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 unfunded 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 participating members of 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.

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

ACT No. 139
- - -
HOUSE BILL NO. 25
BY REPRESENTATIVE VILLIO
AN ACT

To amend and reenact R.S. 11:233(B)(3) and 1581(5) and to enact R.S. 11:233(A)(5) and (B)(4)(c) and 1589, relative to the District Attorneys' Retirement System; to provide relative to retirement benefits; to provide relative to compensation considered in the calculation of contributions and benefits; to provide for the correction of errors and recovery of overpayments; 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. 11:233(B)(3) and 1581(5) are hereby amended and reenacted and R.S. 11:233(A)(5) and (B)(4)(c) and 1589 are hereby enacted to read as follows:

§233. Earnable compensation

A. The provisions of this Section shall apply to the following public retirement or pension systems, funds, and plans:

* * *

(5) District Attorneys' Retirement System

B.

* * *

(3) Notwithstanding the provisions of Subparagraph (2)(g) of this Subsection amounts deducted for deferred salary shall be included to calculate the amount of contributions payable by an employer and employee and to compute average compensation with respect to the Firefighters' Retirement System, the Sheriffs' Pension and Relief Fund, ~~and the Parochial Employees' Retirement System of Louisiana, and the District Attorneys' Retirement System.~~

(4)

* * *

(c) To the extent there is a conflict between the provisions of this Subsection and R.S. 11:1581 as to "earnable compensation", the provisions of R.S. 11:1581 shall prevail.

* * *

§1581. Definitions

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

* * *

(5)(a) For a member eligible to receive an unreduced retirement benefit as provided in R.S. 11:1632(B)(1) or 1633(B)(1), before July 1, 2021, "Average average final compensation" shall mean the average monthly compensation earned by an employee during any period of sixty successive months of service as an employee during which the said earned compensation was the highest. The average monthly compensation shall include compensation not paid by the state, but only to the extent that nonstate compensation for the thirteenth through the twenty-fourth month does not exceed one hundred ten percent of the total of nonstate compensation for the first through twelfth month, and that nonstate compensation for the twenty-fifth through the thirty-sixth month does not exceed one hundred ten percent of the total of nonstate compensation for the thirteenth through the twenty-fourth month, and that nonstate compensation for the thirty-seventh through the forty-eighth month does not exceed one hundred ten percent of the total of nonstate compensation for the twenty-fifth through thirty-sixth month, and that nonstate compensation for the forty-ninth through the sixtieth month does not exceed one hundred ten percent of the total of nonstate compensation for the thirty-seventh through forty-eighth month. Fees and compensation excluded by R.S. 11:233(B)(2) earned in connection with official duties shall not be included in average final compensation. In the event of interruption of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption.

(b) Except as provided in Subparagraph (a) of this Paragraph, "average final compensation" shall mean the average monthly compensation earned by an employee during any period of sixty successive months of service as an employee during which the earned compensation was highest. The average monthly compensation shall include all compensation, but only to the extent that compensation for the thirteenth through the twenty-fourth month does not exceed one hundred ten percent of the total compensation for the first through twelfth month, and compensation for the twenty-fifth through the thirty-sixth month does not exceed one hundred ten percent of the total compensation for the thirteenth through the twenty-fourth month, and compensation for the thirty-seventh through the forty-eighth month does not exceed one hundred ten percent of the total compensation for the twenty-fifth through thirty-sixth month, and compensation for the forty-ninth through the sixtieth month does not exceed one hundred ten percent of the total compensation for the thirty-seventh through forty-eighth month. Fees and compensation excluded by R.S. 11:233(B)(2) earned in connection with official duties shall not be included in average final compensation. In the event of interruption of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption.

(c) Compensation of a member in excess of two hundred thousand dollars, as adjusted for increases in the cost-of-living under 26 U.S.C. 401(a)(17)(B) for years beginning after January 1, 2002, shall not be taken into account. This limitation may be adjusted by rules promulgated by the board of trustees

in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. For purposes of compliance with the requirements for qualification under 26 U.S.C. 401(a), the board of trustees may promulgate rules further defining "compensation" and "section 415 compensation" in accordance with the Administrative Procedure Act.

* * *

§1589. 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 on which notice of such error is sent to the member, except in the case of 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.

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

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 140
- - -
HOUSE BILL NO. 28
BY REPRESENTATIVES ADAMS, BACALA, BEAULLIEU, FIRMENT,
HARRIS, AND NELSON
AN ACT

To amend and reenact R.S. 11:2252(6), 2256(B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3) and to enact R.S. 11:2256.2(F) 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:

Section 1. R.S. 11:2252(6), 2256 (B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3) are here by amended and reenacted and R.S. 11:2256.2(F) and 2259(A)(4) are hereby enacted to read as follows:

§2252. Definitions

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

* * *

(6) "Beneficiary" shall mean any natural or juridical person or estate administrator designated to receive a pension, an annuity, a retirement allowance, or other benefit as provided by this Chapter.

* * *

§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 disability or an intellectual disability. 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 years, 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

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. 11:2259(A)(1)(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 2259~~ 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 a 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 treated as an addition to the estate assets and 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 this 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.

E. 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.

(3) If a member nominates his child or children diagnosed with a permanent mental or physical disability to receive a benefit pursuant to Option 4 of this Subsection, the medical determination of such disability shall be performed in immediate proximity to, but before the effective date of, such member's retirement or entry into the Deferred Retirement Option Plan. If a member requests the system to perform a medical determination of disability for his child or children and the member does not allocate to the child or children at least one-half of his reduced benefit, at the discretion of the board of trustees, the member shall have the cost of the medical determination deducted from his retirement benefit.

(4) For the purpose of this Subsection, the term “person” includes a trust or estate administrator as provided in R.S. 11:2256.2.

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

ACT No. 141

HOUSE BILL NO. 31
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact R.S. 48:756(B)(1)(a) and (2)(a), relative to the Parish Transportation Fund; to include Tangipahoa Parish as a recipient of monies from the fund dedicated for mass transit purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 48:756(B)(1)(a) and (2)(a) are hereby amended and reenacted to read as follows:
§756. Distribution formula

B.(1)(a) 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~~ 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.

(2) The balance credited to the fund after the appropriations and other 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, Ouachita, Rapides, Lafayette, Calcasieu, Caddo, 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
AN ACT

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; 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. 14:93 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
HOUSE BILL NO. 39
BY REPRESENTATIVE MAGEE AND SENATORS ALLAIN AND FESI
AN ACT

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 4865, 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. 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 4865, 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

~~when he upon any of the following grounds:~~

(1) ~~Is The judge is~~ a witness in the cause;~~(2) Has The judge has~~ been employed or consulted as an attorney in the cause 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;

(3) ~~Is 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;~~or~~

(4) ~~Is 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 the judge would be unable to conduct fair and impartial proceedings.

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) ~~At the time of the hearing of any contested issue in the cause, has continued to employ, to represent him personally, the attorney actually handling the cause (not just a member of that 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~~

(4) ~~Is related to: 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 thereto, or is a member of the religious body or corporation, is not a ground for recusation 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 parties and attorneys 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. 152. 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 performed a judicial act in the cause in another court.

(4) The judge is related to any of the following:

(a) A party or the spouse of a party, within the fourth degree.

(b) An attorney employed in the cause, the spouse of the attorney, or any member of the attorney's law firm, within the second degree.

(5) 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 listed 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 an attorney 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, first cousins, great-grandchildren, great-grandparents, and great-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. Such 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. 152 153. Recusation Recusal on court's own motion or by supreme court~~

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

B. ~~A district judge may recuse himself in any cause objecting to the candidacy or contesting the election for any office in which the district or jurisdiction of such office lies wholly within the judicial district from of the court on which the district judge is elected serves.~~

C. ~~On the written application of a district judge, the supreme court may recuse him for any reason which it considers sufficient. Prior to the cause being allotted to another judge, a judge who recuses himself for any reason shall contemporaneously file in the record the order of recusal and written reasons that provide the factual basis for recusal under Article 151. The judge shall also provide a copy of the recusal and the written reasons therefor to the judicial administrator of the supreme court.~~

D. ~~If a judge recuses himself pursuant to this Article, he shall provide in writing the specific grounds under Article 151 for which the recusal is ordered within fifteen days of the rendering of the order of 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, 686 So. 2d 837 (La. 1997).

~~Art. 153. Judge may act until recused or motion for recusation filed~~

~~Until a judge has recused himself, or a motion for his recusation has been filed, he has full power and authority to act in the cause. The judge to whom the motion to recuse is assigned shall have full power and authority to act in the cause pending the disposition of the motion to recuse.~~

~~Art. 154. Procedure for recusation recusal 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 recusal 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 no later than thirty days after discovery of the facts constituting the ground upon which the motion is based, but in all cases prior to the scheduling of the matter for trial. In the event that the facts constituting the ground upon which the motion to recuse is based occur after the matter is scheduled for trial or the party moving for recusal could not, in the exercise of due diligence, have discovered such facts, the motion to recuse shall be filed immediately after such facts occur or are discovered.~~

B. ~~If a valid ground for recusation is set forth in the motion to recuse sets forth a ground for recusal under Article 151, the judge shall either recuse himself; or refer the motion to another judge or a judge make a written request to the supreme court for the appointment of an ad hoc judge; as provided in Articles Article 155 and 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 recusal 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, but in all cases 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. This provision recognizes that in some cases, the facts constituting the ground upon which the motion to recuse is based occur after, or could not have been discovered before, the matter is scheduled for trial. In cases that fall under this exception, Paragraph A provides that the motion to recuse shall be filed immediately after such facts occur or are discovered.

(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 have the~~ Once a motion to recuse that sets forth a ground for recusal under Article 151 is referred to the other judge of the court for trial of 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 253.1.~~

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~~ Selection of judge after recusal

~~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 is his interest in the cause, the judge shall appoint a district judge of an adjoining district to try the~~ voluntarily recuses himself or is recused after a motion to recuse is heard, the cause shall be randomly assigned to another division or section of that court.

~~B. When any other ground is assigned for the recusation of such a district court judge in a single-judge district voluntarily recuses himself, he may appoint either a district judge of an adjoining district, or a lawyer 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 appointed by the supreme court to hear a recusal grants the motion to recuse, that judge shall request that an ad hoc judge be appointed to hear the cause.~~

~~The order of court appointing the judge ad hoc shall be entered on its minutes, and a certified copy of the order shall be sent to the judge ad hoc.~~

Art. 157. ~~Judge ad hoc appointed to try cause when judge recused; power of judge ad hoc~~

~~A. After a trial judge recuses himself under the authority of Article 152(A), a judge ad hoc shall be assigned to try the cause in the manner provided by Articles 155 and 156 for the appointment of a judge ad hoc to try the motion to recuse. When a trial judge is recused after a trial of the motion therefor, the case shall be reassigned to a new judge for trial of the cause under the provisions of Code of Civil Procedure Articles 155 and 156.~~

~~B. After a trial judge recuses himself under the authority of Article 152(B) he shall make written application to the supreme court for the appointment of another district judge as judge ad hoc to try the cause. The supreme court shall appoint a judge from a judicial district other than the judicial district of the recused judge as judge ad hoc to try the cause.~~

~~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 recusation 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 apply to the supreme court for the appointment of 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 its minutes. The clerk of the supreme court shall forward two certified copies of the order, one to the judge ad hoc appointed and the other to the clerk of the district court where the cause is pending, for entry in its minutes.~~

Art. 159 157. ~~Recusation Recusal of supreme court justice~~
A. A party desiring to recuse a justice of the supreme court shall file a written motion therefor assigning the ground for recusal 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; or,
(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. 160 158. ~~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 therefor assigning the ground for recusal under Article 151. When a written motion is filed to recuse a judge of a court of appeal, he the judge may recuse himself or the motion shall be heard by the other judges on the panel to which the cause is assigned, or by all judges of the court, except the judge sought to be recused, sitting en banc an ad hoc judge appointed by the supreme court.

B. When a judge of a court of appeal recuses himself, or is recused, the court may (1) have the cause argued before and disposed of by the other judges of the panel to which it is assigned, or (2) appoint shall randomly allot another of its judges, a judge of a district court or a lawyer having the qualifications of a judge of a court of appeal to act for to sit on the panel in place of the recused judge in the hearing and disposition of the cause.

Art. 161 159. ~~Recusation Recusal of ad hoc judge ad hoc~~

A judge An ad hoc judge appointed to try a motion to recuse a judge, or appointed to try the cause, may be recused on the grounds and in the manner provided in this Chapter for the recusation recusal of judges.

* * *

CHAPTER 3. RECUSATION ~~RECUSAL~~ OF JUDGES; APPOINTMENT OF JUDGES AD HOC

Art. 4861. ~~Recusation Recusal~~ of judges

* * *

Art. 4862. Motion to recuse

When a written motion is made to recuse a parish court or city court judge or a justice of the peace, ~~he the judge or justice of the peace~~ shall either recuse himself, or the motion to recuse shall be tried in the manner provided by Article 4863.

Art. 4863. ~~Determination of recusation recusal; appointment of judge ad hoc~~

A. In a parish or city court having more than one judge, the motion to recuse shall be tried by another judge of the same court, ~~and, if the judge is recused, the case shall be tried by another judge of the same court.~~ The manner in which the judge is selected to try the recusal and, in the event of recusal, to ~~try the case,~~ shall be provided by rule of court.

B. In all other cases, the motion shall be tried by ~~the district court and, if the judge is recused, the district court shall try the case or shall appoint another judge of a district, parish, or city court to try the case~~ an ad hoc judge appointed by the supreme court.

Art. 4864. ~~Appointment of judge ad hoc when judge recuses himself after recusal~~

A. When a judge of a parish or city court recuses himself or is recused, ~~he shall appoint another judge of the same parish or city court shall be appointed to try the cause, if that court has more than one division; otherwise, he shall appoint either a parish or city court judge from an adjoining parish or, as judge ad hoc, an attorney domiciled in the parish who has the qualifications of a parish or city court judge. The manner in which the judge is selected to try the cause shall be provided by rule of court. In all other cases, an ad hoc judge shall be appointed by the supreme court to try the cause.~~

B. When a justice of the peace recuses himself, ~~he shall appoint another justice of the peace shall be appointed by the supreme court to try the ease cause.~~

Art. 4865. ~~Appointment of judge ad hoc in event of temporary inability of parish or city court judge to preside~~

* * *

Art. 4866. Power and authority of judge ad hoc

A judge ad hoc appointed under the provisions of Articles 4861 through 4865 shall have the same power and authority to act on the ~~cases causes~~ or on the dates to which appointed as the judge whom he replaces would have.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

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 membership of the governing 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

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 <u>up to \$50.00</u>
(2) Category 2--over 1,000 to 10,000 pounds weight	\$80.00 <u>up to \$135.00</u>
(3) Category 3--over 10,000 pounds weight	\$185.00 <u>up to \$250.00</u>

* * *

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

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)(19) and 4574.1.1(A)(19) and R.S. 47:302.41.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

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 ~~a~~ 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

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

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

* * *

H. The governing authority of a municipality may, by ordinance, establish any procedure it deems appropriate for the private sale of a police dog that is no longer needed for police work to a police officer who trained or worked with the dog in exchange for consideration proportionate to the value of the dog.

Approved by the Governor, June 11, 2021

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 150

HOUSE BILL NO. 86
BY REPRESENTATIVE BEAULLIEU
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 committees

* * *

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 are elected.~~

(2)(a) In Orleans Parish, the parish executive committee of a recognized political party shall be composed of fourteen members elected from each councilmanic district.

(b) 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.
(c) 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 require the sheriff of St. Tammany Parish to collect certain tax revenues for purposes of the funding and operation of the St. Tammany Parish coroner's office; to require all collected revenues to be deposited into a special account for designated use by the coroner's office; to provide for funding responsibilities; to provide for the transfer of immovable property; to require compliance; to provide for an effective date; to provide for submission of reports; and to provide for related matters.

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.
(2) 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 all of the following:

- (a) Principal.
- (b) Interest.
- (c) Redemption premiums.
- (d) Expenses.
- (e) Other administrative costs.

(3) 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.

(4) 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.

(5) 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.

(6) The coroner shall establish an annual salary for all deputy or assistant coroners, secretaries, stenographers, clerks, technicians, investigators, official photographers, or other helpers.

C.(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.

(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.

D. The St. Tammany Parish coroner's office shall comply with the provisions set forth in the Louisiana Bid Laws, R.S. 38:2211 et seq., the Louisiana Procurement laws, R.S. 39:1551 et seq., and the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The office shall also be subject to all audit laws including but not limited to any audit called for and conducted by the governing authority of St. Tammany Parish.

E. The coroner of St. Tammany Parish shall prepare and present to the governing authority of the parish an annual report showing the operations of his 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 and expenses 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 PRESSLY 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 fully 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 of the state. It shall not be subject in any respect to the authority, control, or supervision of any local regulatory body or any political subdivision. It shall have charge of and administer public wharves, docks, sheds, landings, industrial parks, industrial buildings, and other property or facilities owned, operated, or controlled by the commission. It shall have authority to construct or acquire and equip wharves and landings and other structures useful for the commerce of the port area, and provide mechanical facilities therefor; to erect sheds or other structures on said the wharves and landings; to provide light, water, police protection, and other services for its facilities as it may deem advisable; to construct or acquire, maintain and operate basins, locks, canals, warehouses, and elevators; to charge for the use of all facilities administered by it, and for all services rendered by it; to establish such fees, rates, tariffs, or other charges as it may deem fit; to establish harbor lines within the port area by agreement with the United States Army Corps of Engineers; and to construct, own, operate, and maintain terminal rail facilities and other common carrier rail facilities for the purpose of rendering rail transportation to and from the facilities to be erected, owned, or operated by the commission in both intrastate and interstate commerce. The commission shall have authority to plan, finance, develop, construct, and/or and acquire industrial parks and/or and industrial plant buildings within its port area, including sites and other necessary property or appurtenances therefor, and to acquire, construct, develop, improve, operate, maintain, and provide improvements and services necessary therefor, including but not limited to roads, streets, street lighting, bridges, rail facilities, drainage, sewers, sewerage disposal facilities, solid waste disposal facilities, waterworks and other utilities and related properties. Title to such property and improvements shall be in the public and shall vest in the commission for public administration, subject only to the right of the commission to lease, sell or otherwise dispose of the same in the manner provided in this Chapter.

(2) In addition to any other powers and functions, the commission may perform the functions of an economic and industrial development entity. Such functions may include but shall not be limited to the following:

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

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

(c) Financial and financing assistance.

(d) Tax abatement.

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

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

(g) The use of public and other legal powers to facilitate development.

(h) Promoting transfer mechanisms to take ideas from their point of origin and development to commercially successful utilization by local enterprises.

(i) Fostering entrepreneurial activity in the port area.

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

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

(l) Fostering and supporting economic industrial development and education in cooperation with private business enterprises, financial institutions, educational institutions, nonprofit institutions and organizations, state government and political subdivisions of the state, the federal government, and other organizations or persons concerned with research, development, education, commercial application, and economic or industrial development in ways which increase the economic base of the port area.

(3) For the purposes of Paragraph (2) of this Subsection, the commission may engage in activities and projects it deems most appropriate to encourage and assist economic growth and development in the port area. However, the selection of utility service providers shall be subject to the provisions of R.S. 33:4160.1 and 4160.2, R.S. 45:123, and all applicable orders of the Louisiana Public Service Commission for facilities constructed or acquired by the commission.

* * *
Section 2. R.S. 34:3522 is hereby repealed in its entirety.
Approved by the Governor, June 11, 2021
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 153

HOUSE BILL NO. 109
BY REPRESENTATIVE MUSCARELLO
AN ACT

To enact R.S. 13:2575.8, relative to ordinance violations in Tangipahoa Parish; to provide for administrative adjudications; to provide for definitions; to provide for violations subject to administrative adjudication procedures; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2575.8 is hereby enacted to read as follows:

§2575.8. Additional administrative adjudication procedures in Tangipahoa Parish

A. As applied in Tangipahoa Parish, the term “housing violation” as used in this Chapter shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

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

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 154

HOUSE BILL NO. 115
BY REPRESENTATIVE DAVIS
AN ACT

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, governance, and powers 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 5554 George Street (Legal Description Fairfax Heights 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 south to the centerline of Government Street turning east to the centerline of Jefferson Highway turning southeast to the centerline of Old Hammond Highway (State Highway Route 426) turning east to a point of intersection of a line extended from the eastern rear property line of the Fair Day Estates II Subdivision turning north along the eastern rear property line of Fair Day 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 northwest to a line extended from the western rear property line of Thurman Drive turning north to a 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 centerline of Florida Boulevard turning west to the original point of the beginning.

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.

(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)(a) 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) (b) through (d) of this Subsection shall be concurrent with the respective appointing authority.

(4) Any vacancy in the membership of the board, occurring either by reason of the expiration of the term for 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 the thirtieth calendar day after receipt of written notification by the board of a 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) The minute books and archives of the district shall be maintained by the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the 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 such 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) A majority of the members of 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 the 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 provide for the improvement of the district; and to provide generally for the overall betterment of the district.

(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.

(9) To procure and maintain liability insurance against any legal liability of the district and against any personal or legal liability of a board member 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.

(10) 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. Parcel fee. 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 fifty 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. 9:1121.103. 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 improved parcel for the purposes of the imposition of the 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 amount of the parcel fee one time without election. The amount of the increased fee shall not exceed 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 level provided by Article VII, 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 sheriff shall collect and remit to the district all amounts collected no later than the sixtieth calendar day after collection. The district may enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee not to exceed one percent of the amount collected.

(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 voluntary 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 other services or betterments 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.

J. Dissolution. (1) The district may be dissolved after the question of its dissolution has been approved by a majority of the registered voters of the district voting on the proposition at a regularly scheduled election conducted in accordance with the provisions of the Louisiana Election Code. The question of dissolution may be placed on the ballot only after it has been approved by the affirmative vote of not less than five members of the board.

(2) If the district ceases to exist:

(a) All funds of the district shall be transmitted by the board to 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, and shall be used only to promote, encourage, and enhance the security and overall betterment of the area included in the district.

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

K. Indemnification and exculpation. (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.

(2) No board member or officer of 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 or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

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

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a board member or

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 day following such approval.

Approved by the Governor, June 11, 2021

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 155

**HOUSE BILL NO. 59
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 bonds or other evidences 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 expropriation has ceased to exist and orders the return of the property to the former owner under such terms and conditions as specified by the legislature; (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 at less than the appraised value to facilitate the blighted 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 the Elderly created under the provisions of R.S. 46:2691 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; ~~or~~ (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 an amendment to allow local governments 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

ACT No. 156

**HOUSE BILL NO. 315
BY REPRESENTATIVES GOUDEAU, BACALA, BAGLEY, CARRIER,
FONTENOT, HORTON, TRAVIS JOHNSON, LARVADAIN,
CHARLES OWEN, SELTERS, 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, classified employees, and officers of certain civil service systems; 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 9.(A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign;~~(B) Activities Authorized. Notwithstanding Paragraph A of this Section, any member of a civil service commission or officer or employee in the classified service may, except to exercise~~

(1) Exercise his right as a citizen to express his opinion privately, to serve 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 and 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. For purposes of this Subparagraph, “support” means attending campaign related events and appearing in campaign advertisements and photographs.

(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.

~~(B)(C)~~ Contributions. No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

~~(C)(D)~~ Political Activity Defined. As used in this Part, “political activity” means an effort to support or oppose the election of a candidate for political 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 may support the election of a candidate for public office who is his immediate family member. For purposes of this Section, “immediate family” and “support” have the meanings provided in Section 9 of this Article.

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

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

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 shall not exceed five ten percent of the total appropriation or allocation from a fund for the fiscal year. For purposes of this Subsubparagraph, 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 meaning 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 ten 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 Subsubparagraph, 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 Subsubparagraph 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 Subsubparagraph 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

ACT No. 158

SENATE BILL NO. 9
BY SENATOR PRICE
(On Recommendation of the Louisiana State Law Institute)
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact Children’s Code Articles 603(2)(e), 680, 1022, and 1226, R.S. 13:1139 and 1587.1(C), R.S. 15:1082, 1098.1(A), and 1099.1, R.S. 24:175(B) and 176(B), R.S. 44:3(A)(6), and R.S. 46:1251(B), 1901(B), 2411, and 2417(C), and to repeal Children’s Code Article 606(A)(6), (7), and (8), relative to the continuous revision of the Children’s Code; to provide for definitions; to provide for the grounds for a child in need of care; to provide for the rights of the parties in a disposition hearing; to provide for service of nonresident parents; to provide for references to the Children’s Code; to provide for Comments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Children’s Code Articles 603(2)(e), 680, 1022, and 1226 are hereby amended and reenacted to read as follows:

Art. 603. Definitions

As used in this Title:

* * *

(2) “Abuse” means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

* * *

(e) Female genital mutilation as defined by R.S. 14:43.4 of the child or of a sister of the child.

* * *

Comments - 2021

This revision incorporates the substance of Subparagraphs (A)(6), (7), and (8) of Article 606 within the definition of “abuse” in this Article. “Commercial sexual exploitation” as referenced in Subparagraph (2)(b) is defined in Paragraph (9.1) and already incorporates human trafficking (R.S. 14:46) and trafficking of children for sexual purposes (R.S. 14:46.3), which had previously been duplicated in Article 606(A)(6) and (7). Subparagraph (2)(e) is revised to include language from Article 606(A)(8) with regard to female genital mutilation of a sister of the child.

* * *

Art. 680. Disposition hearing; rights of parties; evidence

A. All parties have the right to testify, the right to confront and cross-examine adverse witnesses, the right to present evidence and witnesses, and the right to counsel.

B. The court shall consider the report of the predisposition investigation, the case plan, any reports of mental evaluation, and all other evidence offered by the ~~child or the state~~ **parties** relating to the proper disposition. The court may consider evidence which would not be admissible at the adjudication hearing.

* * *

Art. 1022. Service; nonresident parent

If a parent against whom a proceeding is instituted does not reside within this state, service of citation shall be made by registered **or certified** mail to the address indicated in the petition, return receipt required, not less than five days prior to commencement of the hearing on the matter.

* * *

Art. 1226. Service; nonresident parent

If a parent upon whom service is required under Article 1224 does not reside within this state, service shall be made by registered **or certified** mail to the address indicated in the petition, return receipt required, not less than thirty days prior to commencement of the hearing on the petition.

Section 2. R.S. 13:1139 and 1587.1(C) are hereby amended and reenacted to read as follows:

§1139. Transfer of cases

~~A. Repealed by Acts 2011, No. 340, §3, eff. June 29, 2011.~~

~~B.~~ It is the express intent of this Section that the jurisdiction conferred by law, particularly the ~~Louisiana Code of Juvenile Procedure~~ **Children’s Code**, upon; Orleans Parish Juvenile Court shall be the same as it was prior to the enactment of Act 620 of 1976 and shall remain unchanged, except as otherwise provided in the ~~Louisiana Code of Juvenile Procedure~~ **Children’s Code**. ~~Said~~ **The** court shall continue to be known as Orleans Parish Juvenile Court, notwithstanding its change of name effected by Act 620 of the Regular Session of the Legislature of 1976 and the subsequent repeal of the provisions of ~~said~~ **that** Act shall not be construed or interpreted to change its jurisdiction, its powers, its duties, its various departments or its personnel, except as herein set forth and provided.

* * *

§1587.1. Juvenile Court of the parish of Orleans; clerk of court; bailiffs; minute clerks; stenographers and other personnel; probation officers

* * *

C. All employees of the probation department and probation services for the Juvenile Court for the Parish of Orleans on and after the effective date of this Act shall be transferred to and provided by the **Louisiana** Department of Health ~~and Human Resources~~ in accordance with existing statutes, subject to the rules and regulations of the Louisiana civil service system or its successor. The duties of probation officers shall be fixed in accordance with the provisions of the ~~Children’s Code of Juvenile Procedure~~ and of R.S. 46:1251

through ~~R.S. 46:1256~~. The salaries, related benefits, and operational expenses incurred in the provision of probation services shall be at the expense of the state and sufficient funds therefor shall be budgeted by the legislature.

Section 3. R.S. 15:1082, 1098.1(A), and 1099.1 are hereby amended and reenacted to read as follows:

§1082. Definitions
The 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.

§1098.1. 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.

Section 4. R.S. 24:175(B) and 176(B) are hereby amended and reenacted to read as follows:

§175. Severability
B. This Section shall apply to acts of the legislature affecting general, and local and special laws, and statutes of the state, including the Louisiana Revised Statutes of 1950, the Civil Code of the state of Louisiana, the Louisiana Code of Civil Procedure, the Louisiana Code of Criminal Procedure, the Louisiana Code of Evidence, and the Louisiana **Children's Code of Juvenile Procedure**.

§176. Repeal
B. This Section shall apply to acts of the legislature affecting general, and local and special laws, and statutes of the state, including the Louisiana Revised Statutes of 1950, the Civil Code of the state of Louisiana, the Louisiana Code of Civil Procedure, the Louisiana Code of Criminal Procedure, the Louisiana Code of Evidence, and the Louisiana **Children's Code of Juvenile Procedure**.

Section 5. R.S. 44:3(A)(6) is hereby amended and reenacted to read as follows:
§3. Records of prosecutive, investigative, and law enforcement agencies and communications districts

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, which records are:

(6) Records concerning status offenders as defined in the **Children's Code of Juvenile Procedure**.

Section 6. R.S. 46:1251(B), 1901(B), 2411, and 2417(C) are hereby amended and reenacted to read as follows:

§1251. Juvenile probation; parole and intake services
B. The intake service provided hereunder shall be limited to examining and evaluating complaints that a child is a delinquent or is a child in need of supervision and advising the district attorney whether the best interests of the child would be served by the initiation of proceedings under the **Children's Code of Juvenile Procedure**, the signing of an informal adjustment agreement, referral to the Department of Children and Family Services, referral to a public or private agency for assistance, or any other legally permissible course of action. The personnel assigned to perform these duties shall not assume any prosecutorial functions except for the filing of a petition as authorized by **the Children's Code of Juvenile Procedure Art. 45**.

§1901. Definitions
B. When used in this Chapter, unless the context otherwise requires, the terms used herein shall have the meaning ascribed to them by ~~R.S. 13:1569 or the Children's Code of Juvenile Procedure Article 13~~.

§2411. Definitions
Except where the context clearly indicates otherwise in this Chapter:
(1) "Case permanency plan" means the plan specified by ~~R.S. 46:2418~~.
(2) "Case progress report" means the report specified by ~~R.S. 46:2419~~.
(3) "Court" means any court which is exercising juvenile jurisdiction pursuant to the Louisiana constitution and Code of Juvenile Procedure **Constitution of Louisiana and the Children's Code**. If any court is comprised of separate divisions or sections, each such division or section shall be deemed

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.

(4)(2) "Department" means the Department of Children and Family Services.
(5)(3) "Foster care" means the provision of temporary twenty-four hour care for a child for a planned period of time, when the child is placed away from his parents or other person acting as his parent, and when the child is placed in a foster family home, group home, or other child caring facility, but remains under the supervision of the department.
(6)(4) "Mature child" means a child who is able to understand the circumstances and implications of the situation in which he is involved and is able to participate in the decision-making process without excessive anxiety or fear. A child who is fourteen years **of age** or older is presumed to be a mature child.
(7)(5) "Parent" means the biological or adoptive parent whose parental rights toward the child have not been terminated.
(8)(6) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings, or documents pertaining to the case being reviewed.

§2417. Notification to local citizen review board of new cases

C. 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 subsequently 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.

Section 7. Children's Code Article 606(A)(6), (7), and (8) are hereby repealed in their entirety.

Section 8. The Louisiana State Law Institute is hereby directed to print the following Comment to Children's Code Article 606:

Comments - 2021

This revision removes Subparagraphs (A)(6), (7), and (8) as separate grounds that a child is in need of care and incorporates the substance of those provisions within the definition of "abuse" in Article 603.

Approved by the Governor, June 11, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 159

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

To amend and reenact R.S. 22:801 and 802 and to repeal R.S. 22:145, 171, 254(A), (B), (D), (E), and (F), 257(A)(9), 332(A)(13), 333(B) and (C), 341(C), 804, 807, and 808, relative to deposits by insurers; to provide for authority to receive and hold insurer deposits; to provide for release of funds deposited under certain conditions; 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 1. 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**

~~All foreign or alien insurers doing business in this state shall, subject to the exceptions contained in R.S. 22:804, deposit with the commissioner of insurance a safekeeping or trust receipt from a bank doing business within the state or from a savings and loan association chartered to do business in this state indicating that one hundred thousand dollars in money or in approved bonds of the United States, the state of Louisiana, or any political 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.~~ **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 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

of the deposit to be held and shall specifically identify each jurisdiction for which the deposit is required.

(2) 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.

(3) 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 thereof with a market value of not less than the required amount as specified by the insurer or required 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 or trust 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 appointed for any services rendered in connection with any ancillary conservation, ancillary receivership, or any other supervisory proceeding or mode 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 of the release 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 rehabilitation or liquidation in this or another state, any deposit made in this state may be surrendered to the receiver pursuant to an order of the receivership court.~~

~~Section 2. R.S. 22:145, 171, 254(A), (B), (D), (E), and (F), 257(A)(9), 332(A)(13), 333(B) and (C), 341(C), 804, 807, and 808 are hereby repealed in their entirety.~~

~~Section 3. 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. 160

SENATE BILL NO. 42

BY SENATOR BERNARD

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

AN ACT

To enact R.S. 22:887(J), relative to cancellation and reinstatement by an insurer; to require notice of reinstatement to be issued to interested persons; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:887(J) is hereby enacted to read as follows:

§887. Cancellation by insurer; changes to homeowner's insurance policies

* * *

J. Any insurer that issues notice of cancellation on an insurance policy that provides casualty coverage and later continues or reinstates that insurance policy shall issue notice of reinstatement to every policyholder, insurance producer, or other known person shown by the policy to have an interest in any loss which may occur under the policy and who received the notice of cancellation issued by the insurer.

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

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 161

SENATE BILL NO. 46

BY SENATORS LAMBERT, BARROW, BERNARD, CATHEY, CLOUD,
CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HEWITT,
JACKSON, JOHNS, LUNEAU, MCMATH, MILLIGAN, FRED MILLS,
ROBERT MILLS, MORRIS, PEACOCK, POPE, SMITH, TALBOT, WARD,
WHITE AND WOMACK

AN ACT

To amend and reenact R.S. 47:293(9)(e), relative to state individual income tax; to increase the amount of the exclusion for certain income earned while on active duty with the armed forces; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(9)(e) is hereby amended and reenacted to read as follows:

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

* * *

(9)(a) "Tax table income", for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

* * *

(e) For tax years beginning after December 31, 2002, and before January 1, 2022, in the case of an individual who is on active duty as a member of the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty consecutive days or more, total compensation paid for services performed outside this state by the armed forces of the United States of up to thirty thousand dollars shall be excluded from "tax table income" and is hereby declared exempt from state income taxation. For tax years beginning on or after January 1, 2022, the exclusion shall be up to fifty thousand dollars.

* * *

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. 162

SENATE BILL NO. 58

BY SENATOR WOMACK

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

AN ACT

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~~ **Identification of impounded animals**

Every ~~impounded~~ animal impounded shall be ~~branded with a distinctive brand, 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 patrol and the pound keeper.~~ **permanently identified by branding, tattoo, electronic device, or other method of identification approved by the commissioner. Records of the identification method, including a description of the animal, shall be maintained by the impounding jurisdiction.**

Section 2. Civil Code Article 3419.1 is hereby enacted to read as follows:

Art. 3419.1. Lost things; domestic animals

To claim ownership of a domestic animal pursuant to Articles 3419 or 3490, the possessor shall prove that the animal when acquired lacked a microchip or other owner-identifying information such as a collar, rabies tag, or tattoo. The presence of owner-identifying information creates a rebuttable presumption that the possessor has not satisfied the requirements for ownership under Articles 3419 or 3490.

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

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.

AN ACT

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.

Be it enacted by the Legislature of Louisiana:

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

Art. 4566. Management of affairs of the interdict

* * *

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

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

AN ACT

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 or the amount of the deductible that applies to all perils other than a named storm or hurricane, whichever is greater. Insurers may require commercial policyholders to maintain receipts or other records of any losses in order to apply any losses to subsequent named storm or hurricane claims.

D. If an insured pays a named storm or hurricane deductible for a covered loss as provided in this Section, but changes insurance companies during the calendar year for the previously claimed property or renews 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 that 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

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

AN ACT

To amend and reenact R.S. 44:4.1(B)(11), to enact Subpart B-1 of Part II of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:601.1 through 601.21, and to repeal Subpart B of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:581 through 601, relative to investments of domestic insurers; to provide for definitions; to provide for qualified investments for insurers; to provide for a written investment policy; to provide for the authorization of investments; to provide for a valuation method for investments; to provide for limitations on investments; to provide for investments in bonds, equity interests, mortgage loans, and real estate; to provide for transactions involving the lending, repurchase, and reverse repurchase of securities; to provide for dollar roll transactions; to provide for foreign investments and currency exposure; to provide for insurer investment pools; to provide for derivative transactions; to provide for collateral loans; to provide for other assets; to provide for authority to invest in certain assets beyond percentage limitations; to provide for prohibited investments; to provide for restrictions on the pledging of assets; to provide for limitations on loans to and investments involving officers and directors; to provide for judicial review and mandamus; to provide an exception to Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-1 of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:601.1 through 601.21, is hereby enacted to read as follows:

SUBPART B-1. DOMESTIC INSURER INVESTMENTS

§601.1. Definitions

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

(1) “Acceptable collateral” means any of the following:

(a) As to securities lending transactions, and for the purpose of calculating counterparty exposure amount, cash, cash equivalents, letters of credit, direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, or by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or any state or territory of the United States or the District of Columbia and as to lending foreign securities, sovereign debt rated one by the SVO.

(b) As to reverse repurchase transactions, cash, cash equivalents and direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or an agency of the United States, or by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or any state or territory of the United States or the District of Columbia.

(c) As to reverse repurchase transactions, cash, or cash equivalents.

(2) “Admitted assets” means assets permitted to be reported as admitted assets on the statutory financial statement of the insurer most recently required to be filed with the commissioner, but excluding assets of separate accounts, the investments of which are not subject to the provisions of this Subpart.

(3) “Affiliate” means, as to any person, another person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person.

(4) “Asset-backed security” means a security or other instrument, excluding a mutual fund and mortgage-backed securities, evidencing an interest in, or the right to receive payments from, or payable from distributions on, an asset, a pool of assets or specifically divisible cash flows which are legally transferred to a trust or another special purpose bankruptcy-remote business entity, on both of the following conditions:

(a) The trust or other business entity is established solely for the purpose of acquiring specific types of assets or rights to cash flows, issuing securities and other instruments representing an interest in or right to receive cash flows from those assets or rights, and engaging in activities required to service the assets or rights and any credit enhancement or support features held by the trust or other business entity.

(b) The assets of the trust or other business entity consist solely of interest bearing obligations or other contractual obligations representing the right to receive payment from the cash flows from the assets or rights. The existence of credit enhancements, such as letters of credit or guarantees, or support features such as swap agreements, shall not cause a security or other instrument to be ineligible as an asset-backed security.

(5) “Bonds” means any securities representing a creditor relationship whereby there is a fixed legal maturity date or fixed schedule for one or more future payments. The term “bonds” includes the following:

(a) United States Treasury securities.

(b) United States government agency securities.

(c) Obligations issued by a municipality or political subdivision in this state or any other state or territory of the United States or the District of Columbia.

(d) Corporate bonds, including Yankee bonds and zero-coupon bonds.

(e) Convertible bonds, including mandatory convertible bonds.

(f) Listed bond funds.

(g) Fixed-income instruments specifically identified as follows:

(i) Certifications of deposit that have a fixed schedule of payments and a maturity date in excess of one year from the date of acquisition.

(ii) Bank loans issued directly by a reporting entity or acquired through a participation, syndication, or assignment.

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

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

(iv) Debt instruments in 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) “Cap” means an agreement obligating the seller to make payments to the buyer, with each payment based on the amount by which a reference price or level or the performance or value of one or more underlying interests exceeds a predetermined number, sometimes called the strike rate or strike price.

(8) “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.

(9) “Cash equivalents” means short-term, highly rated, and highly liquid investments or securities readily convertible to known amounts of cash without penalty and so near maturity that they present insignificant 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 term to maturity of ninety 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.

(10) “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.

(11) “Control” as defined by R.S. 22:691.2.

(12) “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 an “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 insurer.

(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 parties, and the domiciliary jurisdiction of the counterparty is either within the United States or if not within the United States, within a foreign jurisdiction listed in the Purposes and Procedures Manual of the NAIC Investment Analysis Office or any successor publication as eligible for netting, 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 by the insurer 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 acceptable collateral held by the insurer or placed in escrow by one or both parties.

(13) “Covered” means that an insurer owns or can immediately acquire, through the exercise of options, warrants, or conversion rights already owned, the underlying interest in order to fulfill or secure its obligations under a call 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 it has written, in an income generation transaction.

(14)(a) “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) That has a price, performance, value, or cash flow based primarily upon the actual or expected price, level, performance, value, or cash flow of one or more underlying interests.

(b) Derivative instruments may include options, or warrants used in a hedging transaction and not attached to another financial instrument, caps, floors, collars, swaps, forwards, futures, and any other agreements, options, or instruments substantially similar thereto or any series or combination thereof and any agreements, options, or instruments permitted under regulations adopted pursuant to the Administrative Procedure Act. Derivative instruments shall not include an investment authorized by R.S. 22:601.7 through 601.9, 601.11 through 601.13, and 601.16(3).

(15) “Derivative transaction” means a transaction involving the use of one or more derivative instruments.

(16) “Direct” or “directly”, when used in connection with an obligation, means that the designated obligor is primarily liable on the instrument representing the obligation.

(17) “Dollar roll transaction” means two simultaneous transactions with different settlement dates no more than ninety-six days apart, so that in the

transaction with the earlier settlement date, an insurer sells to a business entity, and in the other transaction the insurer is obligated to purchase from the same business entity, substantially similar securities of any of the following types:

(a) Asset-backed securities issued, assumed, or guaranteed by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or their respective successors.

(b) Other asset-backed securities referred to in 15 U.S.C. 77r-1, as amended.

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

(a) Common stock.

(b) Mutual fund.

(c) Exchange-traded fund.

(d) American Depository Receipt.

(e) Real Estate Investment Trust.

(f) Trust certificate.

(g) Investment in a common trust fund of a bank regulated by a federal or state agency.

(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 under the terms of Title IV of the National Housing Act, 12 U.S.C. 1701 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.

(19) “Equivalent securities” means:

(a) In a securities lending transaction, securities that are identical to the loaned securities in all features including the amount of the loaned securities, except as to certificate number if held in physical form, but if any different security shall be exchanged for a loaned security by recapitalization, merger, consolidation, or other corporate action, the different security shall be considered to be the loaned security.

(b) In a repurchase transaction, securities that are identical to the sold securities in all features including the amount of the sold securities, except as to the certificate number if held in physical form.

(c) In a reverse repurchase transaction, securities that are identical to the purchased securities in all features including the amount of the purchased securities, except as to the certificate number if held in physical form.

(20) “Exchange-traded fund” means funds registered as open-end investment companies or unit investment trusts under 15 U.S.C. 80a-1 et seq., as amended.

(21) “Floor” 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 rate or price, exceeds a reference price, level, performance, or value of one or more underlying interests.

(22) “Foreign currency” means a currency other than that of a domestic jurisdiction.

(23) “Foreign investment” means an investment in a foreign jurisdiction, or an investment in a person, real estate, or asset domiciled in a foreign jurisdiction, that is substantially of the same type as those eligible for investment pursuant to this Subpart, except as provided in R.S. 22:601.12. An investment shall not be considered to be foreign if the issuing person, qualified primary credit source, or qualified guarantor is a domestic jurisdiction or a person domiciled in a domestic jurisdiction, unless either of the following applies:

(a) The issuing person is a shell business entity.

(b) The investment is not assumed, accepted, guaranteed, or insured or otherwise backed by a domestic jurisdiction or a person that is not a shell business entity, domiciled in a domestic jurisdiction.

(c) For purposes of this definition:

(i) “Shell business entity” means a business entity having no economic substance, except as a vehicle for owning interests in assets issued, owned, or previously owned by a person domiciled in a foreign jurisdiction.

(ii) “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.

(iii) “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.

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

(25) “Forward” 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.

(26) “Future” means an agreement, traded on 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.

(27) “Government money market mutual fund” means a money market mutual fund that at all times does both 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.

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

(a) Governmental agency.

(b) Corporation, limited liability company, association, partnership, joint

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 governmental 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) Be unconditionally obligated until the obligation is repaid to maintain in the obligor a minimum net worth, fixed charge coverage, stockholders’ equity, or sufficient liquidity to enable the obligor to pay the obligation in full.

(30) “Hedging transaction” means a derivative transaction which is entered into and maintained to reduce one of the following:

(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.

(35) “Investment company” means an investment company as defined in 15 U.S.C. 80a-3(a), as amended, and a person described in 15 U.S.C. 80a-3(c).

(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. 22:601.11 and 601.14.

(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 in any asset 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 Subsection, 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 to 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 generally recognized source or, to the extent no generally recognized source exists, the price for the security as determined in good faith by the parties to a transaction, plus accrued but unpaid income 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) “Mortgage-backed security” means debt obligations, including collateralized mortgage obligations, which represent claims to the cash flows from pools of mortgage loans made by financial institutions.

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

(46) “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.

(47) “NAIC” means the National Association of Insurance Commissioners.

(48) “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, or 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.

(49) “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, level, performance, or value of one or more underlying interests.

(50) “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.

(51) “Potential exposure” means the amount determined in accordance with the NAIC Annual Statement Instructions, as amended.

(52) “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.

(53) “Qualified bank” means any 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 a member of the Federal Reserve System.

(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 international banking authorities.

(54) “Qualified business entity” means a business entity that is one of the following:

(a) An issuer of obligations or preferred stock that are rated one or two by the SVO or an issuer of obligations, preferred stock or derivative instruments that are rated the equivalent of one or two by the SVO, or by a nationally recognized statistical rating organization recognized by the SVO.

(b) A primary dealer in United States government securities, recognized by the Federal Reserve Bank of New York.

(55) “Qualified exchange” means any of the following:

(a) A securities exchange registered as a national securities exchange or a securities market regulated under 15 U.S.C. 78 et seq., as amended.

(b) A board of trade or commodities exchange designated as a contract market by the Commodity Futures Trading Commission or any successor thereof.

(c) Private Offerings, Resales, and Trading through Automated Linkages (PORTAL).

(d) A designated offshore securities market as defined in 17 CFR Part 230.902(b), as amended.

(e) A qualified foreign exchange.

(56) “Qualified foreign exchange” means a foreign exchange, board of trade, or contract market located outside the United States, its territories, or possessions meeting all of the following criteria:

(a) That has received regulatory comparability relief under Commodity Futures Trading Commission Rule 30.10, as set forth in Appendix C to Part 30 of the Commodity Futures Trading Commission’s Regulations, 17 CFR Part 30.

(b) That is, or its members are, subject to the jurisdiction of a foreign futures authority that has received regulatory comparability relief under Commodity Futures Trading Commission Rule 30.10, as set forth in Appendix C to Part 30 of the Commodity Futures Trading Commission’s Regulations, 17 CFR Part 30, as to futures transactions in the jurisdiction where the exchange, board of trade, or contract market is located.

(c) Upon which foreign stock index futures contracts are listed that are the subject of no-action relief issued by the Commodity Futures Trading Commission’s Office of General Counsel, provided that an exchange, board of trade, or contract market that qualifies as a “qualified foreign exchange” only pursuant to this Subparagraph shall only be a “qualified foreign exchange” as to foreign stock index futures contracts that are the subject of no-action relief.

(57) “Real estate” means:

(a) Any of the following:

(i) Immovable property.

(ii) Interests in immovable property, such as leaseholds, minerals, and oil and gas that have not been separated from the underlying fee interest of the property.

(iii) Improvements and fixtures located on or in immovable property.

(iv) The seller’s equity in a contract providing for a deed of real estate.

(b) As to a mortgage on a leasehold estate, real estate shall include the leasehold estate only if it has an unexpired term, including renewal options exercisable at the option of the lessee, extending beyond the scheduled maturity date of the obligation that is secured by a mortgage on the leasehold estate by a period equal to at least twenty percent of the original term of the obligation or ten years, whichever is greater.

(58) “Replication transaction” means a derivative transaction that is intended to replicate the performance of one or more assets that an insurer is authorized to acquire pursuant to this Subpart. A derivative transaction that is entered into as a hedging transaction shall not be considered a replication transaction.

(59) “Repurchase transaction” means a transaction in which an insurer sells securities to a business entity and is obligated to repurchase the sold securities or equivalent securities from the business entity at a specified price, either within a specified period or upon demand.

(60) “Reverse repurchase transaction” means a transaction in which an insurer purchases securities from a business entity that is obligated to repurchase the purchased securities or equivalent securities from the insurer at a specified price, either within a specified period or upon demand.

(61) “Secured location” means the contiguous real estate owned by one person.

(62) “Securities lending transaction” means a transaction in which securities are loaned by an insurer to a business entity that is obligated to return the

loaned securities or equivalent securities to the insurer, either within a specified period or upon demand.

(63) “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.

(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) “Substantially similar securities” means securities that meet all criteria for substantially similar specified in the NAIC Accounting Practices and Procedures Manual, as amended, and in an amount that constitutes good delivery form as determined from time to time by the Public Securities Association.

(66) “SVO” means the Securities Valuation Office of the NAIC or any successor office established by the NAIC.

(67) “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 one or more underlying interests.

(68) “Underlying interest” 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.

(69) “Warrant” 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 income paying or eligible for dividends or income, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit, the interest or income accruing thereon; except that it may acquire immovable property for occupancy by the insurer for home and branch office purposes. No security shall be eligible for purchase at a price above its market value.

C. Except as provided in Subsections D and E of this Section, an investment shall qualify pursuant to this Subpart if, on the date the insurer committed to acquire the investment or on the date of its acquisition, it would have qualified pursuant to this Subpart. For the purposes of determining limitations contained in this Subpart, an insurer shall give appropriate recognition to any commitments to acquire investments.

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 a 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 qualification or requalification.

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, if the insurer acquires the investments in the following circumstances, and the insurer complies with the provisions of R.S. 22:601.5 and 601.18 as to the investments:

(1) As payment on account of existing indebtedness or in connection with the refinancing, restructuring, or workout of existing indebtedness, if taken to protect the insurer's interest in that investment.

(2) As realization on collateral for an obligation.

(3) In connection with an otherwise qualified investment or investment practice, as interest on or a dividend or other distribution related to the investment or investment practice or in connection with the refinancing of the investment, in each case for no additional or only nominal consideration.

(4) Under a lawful and bona fide agreement of recapitalization or voluntary or involuntary reorganization in connection with an investment held by the insurer.

(5) Under a bulk reinsurance, merger, or consolidation transaction approved by the commissioner if the assets constitute admissible investments for the ceding, merged, or consolidated companies.

G. An investment or portion of an investment acquired by an insurer pursuant to Subsection 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, but an investment acquired under an agreement of bulk reinsurance, merger, or consolidation may be qualified for a longer period if provided in the plan for reinsurance, merger, or consolidation as approved by the commissioner. Upon application by the insurer and a showing that the nonadmission of an asset held pursuant to Subsection F of this Section would

materially injure the interests of the insurer, the commissioner may extend the period for admissibility for an additional reasonable period. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with R.S. 22:2191 et seq.

H. The investments of a foreign or alien insurer shall be as permitted by the laws of its domicile but shall be of a quality substantially as high as those required pursuant to this Subpart for similar funds of like domestic insurers.

I. Unless otherwise specified, an investment limitation computed on the basis of an insurer's admitted assets or capital and surplus shall relate to the amount required to be shown on the statutory balance sheet of the insurer most recently required to be filed with the commissioner.

J. An insurer shall maintain documentation demonstrating that investments were acquired in accordance with this Subpart and specifying the Section of this Subpart under which they were acquired.

K. An insurer shall not execute an agreement to purchase securities in advance of their issuance for resale to the public as part of a distribution of the securities by the issuer or otherwise guarantee the distribution, except that an insurer may acquire privately placed securities with registration rights.

L. Notwithstanding the provisions of this Subpart, the commissioner, for good cause, may order, pursuant to rules or regulations promulgated and adopted in accordance with the Administrative Procedure Act, an insurer to nonadmit, limit, dispose of, withdraw from, or discontinue an investment or investment practice. The authority of the commissioner under to this Subsection shall be in addition to any other authority of the commissioner.

M. Insurance futures and insurance futures options shall not be considered investments or investment practices for purposes of this Subpart.

N. The commissioner may retain at the insurer's expense attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist in reviewing the insurer's investments. These persons retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

O. If the commissioner determines that an insurer's investment practices do not comply with the provisions of this Subpart, the commissioner may, after notification to the insurer of the commissioner's findings, order the insurer to make changes necessary to comply with the provisions of this Subpart.

P. If the commissioner determines that by reason of the financial condition, current investment practice, or current investment plan of an insurer, the interests of insureds, creditors, or the general public are or may be endangered, the commissioner may impose reasonable additional restrictions upon the admissibility or valuation of investments or may impose restrictions on the investment practices of an insurer, including prohibition or divestment.

Q. The commissioner may count toward satisfaction of the minimum asset requirement any assets in which an insurer is required to invest under the laws of a country other than the United States as a condition for doing business in that country if the commissioner determines that counting them does not endanger the interests of insureds, creditors, or the general public.

§601.3. Insurer investment policy

A. In acquiring, investing, exchanging, holding, selling, or managing investments, an insurer shall follow a written investment policy established by its board of directors which shall be reviewed and approved annually. There is no requirement for the form and substance of the investment policy, but it shall include written guidelines appropriate to the insurer's business as to all of the following:

(1) The policies, procedures, and controls covering all aspects of the investing function, including compliance with this Subpart.

(2) Quantified goals and objectives regarding the composition of classes of investments, including maximum internal limits.

(3) Periodic evaluation of the investment portfolio as to risk and reward characteristics.

(4) Professional standards for the individuals making day-to-day investment decisions to assure that investments are managed in an ethical and competent manner.

(5) The types of investments to be made and those to be avoided based on their risk and reward characteristics and the insurer's level of experience with the investments.

(6) The relationship of classes of investments to the insurer's insurance products and liabilities.

(7) The level of risk appropriate for the insurer given the level of capitalization and expertise available to the insurer.

(8) The evaluation and consideration of the following factors in determining whether an investment portfolio or investment policy is appropriate:

(a) General economic conditions.

(b) Effects of inflation or deflation.

(c) Tax consequences of investment decisions or strategies.

(d) Fairness and reasonableness of the terms of an investment considering its probable risk and reward characteristics and relationship to the entire investment portfolio.

(e) The diversification of the insurer's investments among the following items:

(i) Individual investments.

(ii) Classes of investments.

(iii) Industry concentrations.

(iv) Dates of maturity.

(v) Geographic areas.

(f) The quality and liquidity of investments in affiliates.

(g) The exposure to the following investment risks, quantified in a manner consistent with the insurer's acceptable risk level identified in Paragraph (7)

of this Subsection:

- (i) Liquidity.
- (ii) Credit and default.
- (iii) Systemic (market).
- (iv) Interest rate.
- (v) Call, prepayment, and extension.
- (vi) Currency.
- (vii) Foreign sovereign.
- (h) The amount of the insurer's assets, capital and surplus, premium writings, insurance in force, and other appropriate characteristics.
- (i) The amount and adequacy of the insurer's reported liabilities.
- (j) The relationship of the expected cash flows of the insurer's assets and liabilities and the risk of adverse changes in the insurer's assets and liabilities.
- (k) The adequacy of the insurer's capital and surplus to secure the risks and liabilities of the insurer.
- (l) Any other 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 shall 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 degree of 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 the insurer's ability to meet its outstanding obligations based on reasonable assumptions as to new business production for current lines of business.

F. The insurer shall establish and implement internal controls and procedures to assure compliance with investment policies and procedures to assure that all the following occur:

- (1) The insurer's investment staff and consultants are reputable and capable.
- (2) Periodic evaluation and monitoring occur for assessing the effectiveness of investment policy and strategies.
- (3) Management's performance is assessed in meeting the stated objectives of the investment policy.
- (4) Appropriate analyses are undertaken of the degree to which asset cash flows are adequate to meet liability cash flows under different economic environments.

G. As 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 and to whom payable if not covered by contracts with mortgage loan representatives or correspondents which are part of the insurer's records.
 - (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 accounting and valuation 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 hold more than 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) Investments 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.
- (6) Investments in foreign securities pursuant to R.S. 22:601.12(D).
- (7) Policy loans made pursuant to R.S. 22:601.16(3).
- (8) Subsidiaries authorized under R.S. 22:691.3.
- (9) Mutual funds and exchange-traded funds pursuant to R.S. 22:601.8(C)(2).

C. Asset-backed securities shall not be subject to the limitations of Subsection A of this Section. No insurer shall acquire an asset-backed security if, as a result of and after giving effect to the investment, the aggregate amount of asset-backed securities secured by or evidencing an interest in a single asset or single pool of assets held by a trust or other business entity, then held by the insurer would exceed five percent of its admitted assets.

§601.7. Bonds

A. Notwithstanding the limitations contained in R.S. 22:601.6, an insurer may acquire obligations issued, assumed, guaranteed, or insured by the following:

- (1) The United States.
- (2) A government-sponsored enterprise of the United States, if the instruments of the government-sponsored enterprise are assumed, guaranteed, or insured by the United States or are otherwise backed or supported by the full faith and credit of the United States.
- (3) Mortgage-backed securities, including collateralized mortgage obligations, backed by mortgages guaranteed by federal and federally sponsored agencies such as the Government National Mortgage Association, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation and loans against manufactured or mobile homes or collateralized debt obligations backed by mortgage-backed securities. Mortgage-backed securities includes prime, subprime, and Alt-A mortgages, as well as home-equity loans, home-equity lines of credit, and re-REMICs. Included are bonds issued and guaranteed by, or only guaranteed by, the respective agency, and loans guaranteed by the United States Department of Veteran Affairs or the United States Department of Agriculture's Rural Development Housing and Community Facilities Programs.
- (4) A state, if the instruments are general obligations of the state.
- (5) Student loan notes or other obligations which are guaranteed or insured as to principal by the Louisiana Student Financial Assistance Commission or any other authorized agency or instrumentality of the state of Louisiana or by any authorized agency or instrumentality of the United States government.
- (6) Federal farm loan bonds issued by federal land banks.
- (7) Federal intermediate credit banks.
- (8) Banks for cooperatives.
- (9) Listed bond funds.

B. An insurer may acquire mortgage-backed securities, not backed by federal and federally sponsored agencies, originated in the United States, where the collateral consists of loans pertaining to nonmultifamily homes, including prime, subprime, and Alt-A mortgages, as well as home-equity loans, home-equity lines of credit, and re-REMICs. The acquisition of any one security shall not exceed ten percent of admitted assets, nor shall an insurer invest in aggregate more than forty-five percent of its admitted assets in securities described in this Subsection and R.S. 22:601.10(B).

C. An insurer may acquire equipment trust obligations or certificates, or pass-through certificates, which are adequately secured evidencing an interest in equipment operated wholly or in part within the United States and have a right to receive determined portions of rental, purchase, or other fixed obligatory payments for the use or purchase of the equipment. Obligations, certificates, or pass-through certificates described in this Subsection shall have a minimum quality rating by the NAIC's SVO of one or two.

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

E. 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 if, as a result of and after giving effect to the investment:

(1) Securities of a single issuer and its affiliates, other than the government of the United States and subsidiaries authorized pursuant to R.S. 22:691.3, shall not exceed three percent of admitted assets.

(2) The aggregate amount of preferred stocks then held by the insurer under this Subsection does not exceed twenty-five percent of its admitted assets.

B. An insurer may acquire equity interests in solvent business entities meeting any of the following criteria:

(1) Domiciled in the United States.

(2) Domiciled in a foreign jurisdiction if listed on a qualified exchange.

(3) Permitted pursuant to R.S. 22:601.12.

C. An insurer shall not acquire an investment pursuant to this Section if, as a result of and after giving effect to the investment:

(1) The aggregate amount of investments then held by the insurer under this Section, excluding exchange-traded funds and mutual funds, would exceed fifty percent of its admitted assets, or the amount of equity interests then held by the insurer that are not listed on a qualified exchange would exceed five percent of its admitted assets.

(2) The aggregate amount of exchange-traded fund and mutual fund investments then held by the insurer under this Section would exceed the greater of fifty percent of its admitted assets or one hundred percent of its surplus as regards policyholders. The investment in any one fund shall be limited to ten percent of admitted assets.

D. If the commissioner considers it desirable in order to properly evaluate the investment portfolio of an insurer, the commissioner may require that investments in exchange-traded funds, mutual funds, pooled investment vehicles, or other investment companies be treated for purposes of this Subpart as if the investor owned directly its proportional share of the assets owned by the exchange-traded fund, mutual fund, pooled investment vehicle, or investment company.

§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 instruments, obligations secured by mortgages on real estate, including leasehold estates in improved unencumbered immovable property having an unexpired term of not less than twenty-one years inclusive of the term which may be provided by an enforceable option of renewal, situated within the United States. A mortgage loan which is secured by other than a first lien is authorized under this Section if the insurer is the holder of the first lien. The obligations held by the insurer and any obligations with an equal lien priority, shall not, at the time of acquisition of the obligation, exceed:

(1) Eighty percent of the fair market value of the real estate, if the mortgage loan requires immediate scheduled payment in periodic installments of principal and interest, has an amortization period of thirty years or less and periodic payments made no less frequently than annually. Each periodic payment shall be sufficient to assure that at all times the outstanding principal balance of the mortgage loan shall be not greater than the outstanding principal balance that would be outstanding under a mortgage loan with the same original principal balance, with the same interest rate and requiring equal payments of principal and interest with the same frequency over the same amortization period. Mortgage loans permitted pursuant to this Subsection are permitted notwithstanding the fact that they provide for a payment of the principal balance prior to the end of the period of amortization of the loan.

(a) The fair market value of the real estate shall be substantiated with an appraisal by a recognized and experienced real estate appraiser who is a member of a recognized appraisal organization, which the commissioner of insurance may accept if he is satisfied that the appraiser is competent and disinterested.

(b) The amount of an obligation required to be included in the calculation of the loan-to-value ratio may be reduced to the extent the obligation is insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans Affairs, or their successors.

(2) As used in this Subsection, “improved unencumbered immovable property” means all farmland which has been reclaimed and is used for the purpose of husbandry, whether for tillage, pasture, or improved forestation, and all other immovable property on which permanent buildings suitable for residence or commercial use are situated, including but not limited to condominium property, as defined in R.S. 9:1121.101 et seq.

B. These structures shall be insured for an amount not less than the appraised value of the structures, and the proceeds of the policy shall be payable to and held by the company or a trustee for its benefit. The insurance shall be continued in force for the duration of the loan.

C. A mortgage loan that is held by an insurer under R.S. 22:601.2(D) or acquired pursuant to this Section and is restructured in a manner that meets the requirements of a restructured mortgage loan in accordance with the NAIC Accounting Practices and Procedures Manual or its successor publication shall continue to qualify as a mortgage loan under this Subpart.

D. An insurer shall not acquire an investment pursuant to this Section if, as a result of and after giving effect to the investment, the aggregate amount of all investments then held by the insurer pursuant to this Section would exceed five percent of its admitted assets in mortgage loans covering any one secured location.

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 all investments then held by the insurer pursuant to this Section and 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 3503, 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.

§601.10. Real estate

A. An insurer may acquire, manage, and dispose of real estate for the convenient accommodation of the insurer's business operations, which may include its affiliates, including home office, branch office, and field office operations.

(1) An insurer authorized to transact insurance in a foreign country may acquire and hold immovable property required for the convenient accommodation of the transacting of its own business in any such country and the property may include additional space to be rented or leased to third parties for the purpose of producing income to help defray the cost of acquisition, construction, and maintenance of the building, as well as a return on the investment in addition to that derived from the company's own use of a portion of the property. The investment in a building shall not exceed ten percent of the company's assets in that country.

(2) No insurer shall acquire real estate if, as a result of and after giving effect to the acquisition, the aggregate amount of all real estate then held by the insurer pursuant to this Section would exceed ten percent of its admitted assets.

(3) Upon approval by the commissioner, additional amounts of real estate may be acquired pursuant to this Section upon a determination by the commissioner that the amount represented by the percentage of its admitted assets is insufficient to provide convenient accommodation for the insurer's business and would not render the insurer in hazardous financial condition.

B.(1) An insurer may acquire real estate situated in the United States that is income producing or after suitable improvement within five years from acquisition can reasonably be expected to produce income.

(2) The insurer may thereafter own, hold, maintain, and manage the real estate so acquired and the improvements thereon and collect or receive income therefrom and may grant, sell, or convey the same in whole or in part. Ownership, management, and control shall be entire and complete by one insurer unless shared by two or more insurers subject to this Title or unless the insurer is a general partner under agreements that will assure concerted action in the management and control of the property and in case of the insolvency of any participating insurer.

C.(1) 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 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.

(2) No insurer shall acquire an investment pursuant to R.S. 22:601.9 or Subsection B of this Section if, as a result of and after giving effect to the investment and any guarantees it has made in connection with the investment, the aggregate amount of all investments then held by the insurer pursuant to R.S. 22:601.9 and Subsection B of this Section plus the guarantees then outstanding would exceed forty-five percent of its admitted assets.

D. Orders or decisions of the commissioner of insurance shall be subject to review as provided in R.S. 22:2191 et seq.

§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 the requirements of the written plan in R.S. 22:601.3(A) that 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 extent to which the insurer may engage in these 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 or 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 agent or its affiliates.

(3) Cash received in a transaction under this Section shall be invested in accordance with this Subpart and in a manner that recognizes the liquidity needs of the transaction or used by the insurer for its general corporate purposes. While the transaction remains outstanding, the insurer, its agent, or custodian shall maintain, as to acceptable collateral received in a transaction under this Section, either physically or through the book entry systems of the Federal Reserve, Depository Trust Company, Participants Trust Company, or other securities depositories approved by the commissioner:

(a) Possession of the acceptable collateral.

(b) A perfected security interest in the acceptable collateral.

(c) In the case of a jurisdiction outside of the United States, title to, or rights of a secured creditor to, the acceptable collateral.

(4) The limitations of R.S. 22:601.6 and 601.12 shall not apply to the business entity counterparty exposure created by transactions under this Section. For purposes of calculations made to determine compliance with this Subsection, no effect will be given to the insurer's future obligation to resell securities, in the case of a reverse repurchase transaction, or to repurchase securities, in the case of a repurchase transaction. No insurer shall execute a transaction under this Section if, as a result of and after giving effect to the transaction, any of the following occur:

(a) The aggregate amount of securities then loaned, sold to, or purchased from any one business entity counterparty under this Section would exceed five percent of its admitted assets. In calculating the amount sold to or purchased from a business entity counterparty under repurchase or reverse repurchase transactions, effect may be given to netting provisions under a master written agreement.

(b) The aggregate amount of all securities then loaned, sold to, or purchased from all business entities under this Section would exceed forty percent of its admitted assets, but the limitation of this Paragraph shall not apply to reverse repurchase transactions if the borrowing is used to meet operational liquidity requirements resulting from an officially declared catastrophe and subject to a plan approved by the commissioner.

(5) 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 two percent of the market value of the securities loaned by the insurer in the transaction as of that date. If at any time the market value of the acceptable collateral is less than the market value of the loaned securities, the business entity counterparty shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals one hundred two percent of the market value of the loaned securities.

(6) In a repurchase transaction, other than a dollar roll transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to ninety-five percent of the market value of the securities transferred by the insurer in the transaction as of that date. If at any time the market value of the acceptable collateral is less than ninety-five percent of the market value of the securities so transferred, the business entity counterparty shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals ninety-five percent of the market value of the transferred securities.

(7) In a dollar roll transaction, the insurer shall receive cash in an amount at least equal to the market value of the securities transferred by the insurer in the transaction as of the transaction date.

(8) In a reverse repurchase transaction, the insurer shall receive as acceptable collateral transferred securities having a market value at least equal to one hundred two percent of the purchase price paid by the insurer for the securities. If at any time the market value of the acceptable collateral is less than one hundred percent of the purchase price paid by the insurer, the business entity counterparty shall be obligated to provide additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals one hundred two percent of the purchase price. No securities acquired by an insurer in a reverse repurchase transaction shall be sold in a repurchase transaction, loaned in a securities lending transaction, or otherwise pledged.

§601.12. Foreign investments and foreign currency exposure

A. An insurer may acquire obligations of the government of the Dominion of Canada or of Canadian provinces or municipalities, and in obligations of Canadian corporations as follows:

(1) Obligations issued, assumed, guaranteed, or insured by Canada, or a government sponsored enterprise of Canada, if the instruments of the government sponsored enterprise are assumed, guaranteed, or insured by Canada or are otherwise backed or supported by the full faith and credit of Canada. No insurer shall acquire an instrument under this Subsection if, as a result of and after giving effect to the investment, the aggregate amount of investments then held by the insurer under this Subsection would exceed forty percent of its admitted assets.

(2) No insurer shall acquire a Canadian investment authorized by this Subsection, if as a result of and after giving effect to the investment, the aggregate amount of Canadian investments not acquired under Paragraph (1) of this Subsection then held by the insurer would exceed twenty-five percent of its admitted assets.

B. In addition to the investments acquired under Subsection A of this Section,

an insurer may acquire foreign investments, or engage in investment practices with persons of or in foreign jurisdictions, of substantially the same types as those that an insurer is permitted to acquire under this Subpart, other than of the type permitted pursuant to R.S. 22:601.13, if, as a result and after giving effect to the investment, both of the following conditions are met:

(1) The aggregate amount of foreign investments then held by the insurer under this Subsection does not exceed twenty percent of its admitted assets.

(2) The aggregate amount of foreign investments then held by the insurer under this Subsection in a single foreign jurisdiction does not exceed ten percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO one or five percent of its admitted assets as to any other foreign jurisdiction.

C. An insurer may acquire investments, or engage in investment practices denominated in foreign currencies, whether or not they are foreign investments acquired pursuant to Subsections A and B of this Section, or additional foreign currency exposure as a result of the termination or expiration of a hedging transaction with respect to investments denominated in a foreign currency, if all of the following apply:

(1) The aggregate amount of investments then held by the insurer under this Subsection denominated in foreign currencies does not exceed ten percent of its admitted assets.

(2) The aggregate amount of investments then held by the insurer under this Subsection denominated in the foreign currency of a single foreign jurisdiction does not exceed ten percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO one or three percent of its admitted assets as to any other foreign jurisdiction.

(3) No investment shall be considered denominated in a foreign currency if the acquiring insurer enters into one or more contracts in transactions permitted pursuant to R.S. 22:601.14 and the business entity counterparty agrees under the contract or contracts to exchange all payments made on the foreign currency denominated investment for United States currency at a rate which effectively insulates the investment cash flows against future changes in currency exchange rates during the period the contract or contracts are in effect.

D. In addition to investments permitted pursuant to Subsections A, B, and C of this Section, an insurer authorized to do business in a foreign jurisdiction, or that has outstanding insurance, annuity, or reinsurance contracts on lives or risks resident or located in that foreign jurisdiction and denominated in foreign currency of that jurisdiction, may acquire foreign investments respecting that foreign jurisdiction, and may acquire investments denominated in the currency of that jurisdiction; however, investments made pursuant to this Subsection in obligations of foreign governments, their political subdivisions and government sponsored enterprises shall not be subject to the limitations of R.S. 22:601.6. The aggregate amount of investments acquired by the insurer pursuant to this Subsection shall not exceed the greater of either of one of the following:

(1) The amount the insurer is required by the law of the foreign jurisdiction to invest in the foreign jurisdiction.

(2) One hundred twenty percent of the amount of its reserves, net of reinsurance, and other obligations under the contracts on lives or risks resident or located in the foreign jurisdiction.

E.(1) An insurer may acquire obligations issued by the following international development organizations. No insurer shall acquire an instrument of any one of the following organizations if, as a result of and after giving effect to the investment, the aggregate amount of investments then held in any one organization pursuant to this Subsection would exceed ten percent of its admitted assets:

(a) African Development Bank.

(b) Asian Development Bank.

(c) Inter-American Development Bank.

(d) International Bank for Reconstruction and Development.

(2) A domestic insurer may invest any of its funds in bonds, debentures, notes, or other similar obligations that are not in default and are issued in the United States market, denominated in United States dollars, and are the direct legal obligation of a foreign nation that is a member of the Organisation for Economic Co-operation and Development, for which investments in or business transactions with are not prohibited or restricted by any law, regulation, or rule of the United States or this state, and for which the full faith and credit of such nation has been pledged for the payment of principal and interest, but only if the foreign nation has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least twenty-five years immediately preceding. Additionally, the debt of the issuing country shall be rated at least A- or better by Standard & Poor's Global Ratings or A3 or better by Moody's Investors Service, Inc. or an equivalent investment grade by a securities ratings organization accepted by the NAIC. The total investment in such foreign securities at any one time shall not exceed five percent of an insurer's admitted assets.

F. Investments acquired pursuant to this Section shall be aggregated with investments of the same types made under all other Sections of this Subpart, and in a similar manner, for purposes of determining compliance with the limitations, if any, contained in the other Sections.

§601.13. Insurer investment pools

A. An insurer may acquire investments in investment pools that:

(1) Invest in only one of the following:

(a) Obligations that are rated one or two by the SVO or have an equivalent of an SVO one or two rating, or, in the absence of a one or two rating or equivalent rating, the issuer has outstanding obligations with an SVO one or two or equivalent rating, by a nationally recognized statistical rating organization

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 entitles 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, treasury bills, 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 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 proportionate interest in the amount invested in these investments does not exceed the applicable limits of this Subpart.

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, 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.

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 under this Section if, as a result of and after giving effect to the 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 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 interinsurance exchange, 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.

(4) 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) Contain 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 shall provide all of 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, 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 pool 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. 22:2034.

(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 and expenses of 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 of the investment pool.

(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.

(6) The pool manager shall make the records of the investment pool available for inspection by the commissioner.

F. Transactions between the pool and its participants shall not be subject to R.S. 22:691.7(A)(2). Investment activities of pools and transactions between pools and participants shall be reported annually in the registration statement required by R.S. 22:691.6.

§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 hedging characteristics 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) Establish counterparty exposure limits and credit quality standards.

(c) Identify permissible 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 control procedures.

(5) An insurance company shall have a written methodology for determining whether a derivative instrument used for hedging has been effective.

(6) 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 (4), (5), and (6) 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 involving derivatives.

(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 the proposed internal guidelines and controls would be adequate to manage the risks associated with the derivative transactions the insurance company intends to engage in.

(9) An insurance company shall maintain all of the following documentation and records relating to each derivative transaction:

(a) The purpose or purposes of the transaction.

(b) The assets or liabilities to which the transaction relates.

(c) The specific derivative instrument used in the transaction.

(d) For over-the-counter derivative instrument transactions, the name of the counterparty and the market value.

(e) For exchange-traded derivative instruments, the name of the exchange and the name of the firm that handled the trade and the market value.

(10) Each derivative instrument shall be any of the following:

(a) Traded on 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.

(11) 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 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.

(12) An insurer may enter only into any of the following types of income generation 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 call or that generate the cash flows for payments under the caps or floors, plus the face value of fixed income securities underlying a derivative instrument subject to call, plus the amount of the purchase obligations under the puts, 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 amount of its 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 caps or floors during the complete term that the cap or floor is outstanding.

(13) An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of R.S. 22:601.6.

(14) The commissioner may approve additional transactions involving the use of derivative instruments in excess of the limits of Paragraph (11) of this Section or for other risk management purposes under regulations promulgated by the commissioner, but replication transactions shall not be permitted for purposes other than risk management purposes upon approval by the commissioner.

(15)(a) Before engaging in a transaction authorized pursuant to this Section, an insurer that has a statutory net capital and surplus of less than ten million dollars shall file a written notice with the commissioner describing the need to engage in the transaction, the lack of acceptable alternatives, and the insurer's plan to engage in the transaction. If the commissioner fails to issue an order prohibiting the insurer from engaging in the transaction within ninety days after the date of receipt of the insurer's notice, the insurer may engage in the transaction described in the notice.

(b) An insurer that has a statutory net capital and surplus of ten million dollars or greater shall file a written notice with the commissioner describing the need to engage in the transaction and the lack of acceptable alternatives within ninety days of initiating the transaction.

(c) The commissioner may at any time issue an order prohibiting an insurer or insurers from engaging in transactions otherwise authorized pursuant to this Section if the transactions are considered likely to subject the insurance company to a hazardous financial condition.

(d) An insurer with a statutory net capital and surplus less than the minimum amount of capital and surplus required for a new charter and certificate of authority for the same type of insurer shall not engage in the transactions authorized under this Section.

§601.15. Collateral loans

Loans upon the pledge of investments provided for pursuant to the terms of this Title are subject to the same limits as to each investment as is provided in this Title for investments, if the face or current market value, whichever is less, of the investments is more than the amount loaned thereon, and the current market value of the investments is at least twenty percent more than the amount loaned thereon. This limitation shall not apply to loans on the pledge of bonds or securities of the United States.

§601.16. Other admitted assets

For the purposes of this Subpart, the following assets are admitted assets:

(1) Cash in the direct possession of the insurer or in transit under its control, and including cash on deposit with a financial institution regulated by any federal or state agency of the United States.

(2) Loans secured by first liens on interest in oil, gas, or condensate properties or leaseholds in the United States and Canada on which there are fully completed commercially producing wells. The present value of the proved oil and gas reserves, as determined by a registered petroleum engineer, shall not be less than one hundred fifty percent of the loans thereon. Notwithstanding the provisions of R.S. 22:601.17, the total of loans and investments made pursuant to this Paragraph shall not exceed five percent of the insurer's admitted assets.

(3) A life insurer may lend to a policyholder on the security of the cash surrender value of the policyholder's policy a sum not exceeding the legal reserve that the insurer is required to maintain on the policy.

(4) A domestic insurer may invest in venture or seed capital investments offered by a professionally managed capital company which are certified under

R.S. 51:1921 et seq., in a small business investment company (SBIC), or in a minority small business investment company (MSBIC) domiciled in this state, or in any such company itself, investments of bonds or investments provided through the Louisiana Science and Technology Foundation, any university research or incubator venture and opportunity, the Louisiana Small Business Development Center, the Louisiana Small Business Equity Corporation, and the rural relief fund, or any combination of investments and companies thereof. No insurer shall invest in excess of one percent of its available admitted assets, nor more than ten percent of the allowable one percent investment in any one venture, investment, offering, or company. No insurer shall make any such investment under this Subsection unless its statutorily mandated capitalization and surplus level is one million dollars or more, or if it is under any supervisory action or administration of the Department of Insurance. Any investment authorized by this Paragraph shall be eligible for a reduction of taxes as stipulated by R.S. 22:832 provided that either the investment or the company is in Louisiana.

(5) A domestic insurer may purchase for its own benefit life insurance policies, which comply with 26 U.S.C. 7702, in which the insurer is the owner and beneficiary.

(6) Investments, securities, properties, and loans acquired, or held, in accordance with this Subpart and in connection therewith the following items:

(a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

(b) Declared and unpaid dividends on stock and shares, unless such amount has otherwise been allowed as an asset.

(c) Interest due or accrued upon a collateral loan in an amount not to exceed one year of interest thereon.

(d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other assets, if such interest is in the judgment of the commissioner a collectible asset.

(e) Interest due or accrued on a mortgage loan, in an amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal, but in no event shall interest accrued for a period in excess of twelve months be allowed as an asset.

(f) Rent due or accrued on immovable property, if such rent is not in arrears for more than three months, and rent more than three months in arrears, if the payment of such rent is adequately secured by property held in the name of the tenant and conveyed to the insurer as collateral.

(g) The unaccrued portion of taxes paid prior to the due date on immovable property.

(7) Premium notes, except as specifically excluded by R.S. 22:601.18(9), policy loans, and other policy assets and liens on policies and certificates of life insurance and annuity contracts, and accrued interest thereon, in an amount not exceeding the legal reserve and other policy liabilities carried on each individual policy.

(8) The net amount of uncollected and deferred premiums and annuity considerations in the case of a life insurer.

(9) Premiums in the course of collection, other than for life insurance, not more than three months due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable, directly or indirectly, by the United States government or by any of its instrumentalities.

(10) Installment premiums, other than life insurance premiums, to the extent of the unearned premium reserve carried on the policy to which premiums apply.

(11) Notes and life written obligations not past due taken for premiums, other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the unearned premium reserves carried thereon.

(12) The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer and which reinsurance is authorized pursuant to this Title.

(13) Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance agreement.

(14) Deposits or equities recoverable from underwriting associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent considered by the commissioner, available for the payment of losses and claims and at values to be determined by him.

(15) Electronic data processing equipment as defined by the NAIC Accounting Practices and Procedures Manual.

(16) Other assets, not inconsistent with the provisions of this Section, considered by the commissioner to be available for the payment of losses and claims, at values to be determined by him.

(17) Goodwill purchased by a domestic life insurance company possessing twice the required capital and surplus. Goodwill shall be the same as defined in the Accounting Practices and Procedures Manual of the NAIC. Goodwill shall be amortized in accordance with the instructions set forth in the same manual, and amounts in excess of ten percent of an insurer's capital and surplus shall be written off immediately by a direct charge to surplus.

(18) Except as provided elsewhere in this Subpart, an insurer may invest in, acquire debt obligations of, or otherwise acquire and hold an interest in any limited partnership, limited liability company, or master limited partnership, which is formed pursuant to the laws of any state of the United States and which invests in assets otherwise permitted pursuant to this Subpart subject to the same limits applicable to each investment within the limited partnership, limited liability company, or master limited partnership as is provided in this Title for investment.

§601.17. Additional investment authority

A. Any domestic insurer, in addition to the other investments permitted by

this Subpart, may invest in an amount equal to twenty-five percent of its capital and surplus if a stock company, and if a company other than stock, twenty-five percent of its surplus, or five percent of its admitted assets, whichever is the greater, in an admitted asset pursuant to this Subpart without regard to the percentage limitations.

B. In addition to the authority provided pursuant to Subsection A of this Section, an insurer may acquire investments not otherwise permitted by this Subpart, and not specifically prohibited by statute, to the extent of not more than 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. No investment shall be permitted under this Section unless it meets the definition of an asset in the NAIC Accounting Practices and Procedures Manual.

§601.18. Prohibited investments

An insurer shall not, directly or indirectly, do any of the following:

(1) Engage on its own behalf or through one or more affiliates in a transaction or series of transactions designed to evade the prohibitions of this Subpart.

(2) Invest in a partnership as a general partner, except that an insurer may make an investment as a general partner if all other partners in the partnership are subsidiaries of the insurer. This Paragraph shall not prohibit a subsidiary or other affiliate of the insurer from becoming a general partner.

(3) Invest in or lend its funds upon the security of shares of its own stock, except that an insurer may acquire shares of its own stock for the following purposes, but the shares shall not be admitted assets of the insurer:

(a) Conversion of a stock insurer into a mutual or reciprocal insurer or a mutual or reciprocal insurer into a stock insurer.

(b) Issuance to the insurer's officers, employees, or agents in connection with a plan approved by the commissioner for converting a publicly held insurer into a privately held insurer or in connection with other stock option and employee benefit plans.

(c) In accordance with any other plan approved by the commissioner.

(4) Invest in goodwill, trade names, and other intangible assets, except as provided for pursuant to R.S. 22:601.16(17).

(5) Invest in stock of the insurer owned by it, or any equity therein, or loans secured thereby or any material proportionate interest in the stock acquired, or held, through the ownership by the insurer of an interest in another firm, corporation, or business unit.

(6) Invest in furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and supplies, except for the following:

(a) The movable property as is required through foreclosure of chattel mortgages under loans insured or guaranteed under provisions of the National Housing Act or any act of congress relating to veterans benefits.

(b) That which is reasonably necessary for the maintenance and operation of real estate held by it other than real estate for a home office, branch office, and similar purposes.

(c) In the case of title insurers, abstract plant and equipment not to exceed fifty percent of the paid-in capital stock of such title insurer.

(7) Invest in an amount, if any, by which the aggregate book value of investments, as carried in the assets of the insurer, exceeds the aggregate value, as determined under the provisions of this Title.

(8) Invest in rental assets, which for the purposes of this Section shall include but not be limited to the following:

(a) Any item carried as an asset on the insurer's balance sheet, which is not, in fact, owned by the insurer.

(b) Any item carried as an asset on the insurer's balance sheet, the ownership of which is subject to resolution, rescission, or revocation upon the insurer's insolvency, receivership, bankruptcy, statutory supervision, rehabilitation, liquidation, or upon the occurrence of any other contingency.

(c) Any item carried as an asset on the insurer's balance sheet for which the insurer pays a regular or periodic fee for the right to carry such items as an asset, whether or not such fee is characterized as a rental, a management fee, or an extraordinary dividend not previously approved by the commissioner, or other periodic payment for such right.

(d) Any asset purchased by the insurer on credit whereby the interest rate paid by the insurer on its credit instrument is greater than the interest rate or yield generated by the purchased asset.

(e) Any asset received by the company as a contribution to capital from any affiliate, holding company, or control person, or from any affiliate of any such affiliate, holding company, or control person, which meets any of the criteria set forth in Subparagraphs (a) through (d) of this Paragraph while in the hands of such contributing party, or at the moment of such contribution to capital, or thereafter.

(9) Invest in premium notes on policies and certificates of life insurance and annuity contracts, and accrued interest thereon, except when the insurer, issuer, or noteholder agrees to an examination by the department to determine whether any inflation or duplication of assets exists.

(10) Pay any commission or brokerage for the purchase or sale of property in excess of that usual and customary at the time and in the locality where such purchases or sales are made, and information regarding all payments of commissions and brokerage shall be reported in the next annual statement.

§601.19. Pledging of assets restricted

A. No insurance company domiciled in this state shall pledge its assets solely to secure a personal loan, other than a policy loan based on the contractual terms of a policy of insurance issued by the company, if the loan is solely for the personal benefit of any officer, director, or employee. Nothing herein shall be construed to limit the right of an insurance company to pledge any or all

of its assets to secure loans in the ordinary course of its business and for the company's business purposes and to obtain, as further security therefor, the guarantee, personal or otherwise, of any officer, director, or employee. The commissioner may bring an action to recover and conserve any asset pledged in violation of this Section.

B. Any company or any officer, director, or employee violating the provisions of this Section may be fined not more than ten thousand dollars for each violation, and the officer, director, or employee may be removed from such office, position, capacity, or relationship with the company.

§601.20. Loans to officers and directors

A. An insurer shall not, directly or indirectly, do any of the following:

(1) Invest in an obligation or security or make a guarantee for the benefit of or in favor of an officer, director, or controlling stockholder of the insurer.

(2) Invest in or loan upon any real estate which is owned or partly owned by any officer, director, or controlling stockholder of the insurer, nor shall any such insurer invest in or loan upon any bond or note secured by mortgage or trust deed on real estate if an officer, director, or controlling stockholder of such insurer is an owner or part owner of the real estate upon which the loan is made.

(3) Invest in an obligation or security, make a guarantee for the benefit of or in favor of, or make other investments in a business entity of which ten percent or more of the voting securities or equity interests are owned directly or indirectly by or for the benefit of one or more officers, directors, or controlling stockholders of the insurer, except as authorized in R.S. 22:691.7.

B. No insurer shall, without the prior written approval from the commissioner of insurance, directly or indirectly do any of the following:

(1) Make a loan to or other investment in 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.

(2) Make a guarantee for the benefit of or in favor of 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.

(3) 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 controlling stockholder.

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, or order or any other 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 rule, regulation, order, or other action of 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 failure 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 to read as follows:

§4.1. Exceptions

* * *

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

* * *

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, **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, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303, 2508

* * *

Section 3. Subpart B of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:581 through 601, is hereby repealed in its entirety.

Section 4. This Act shall become effective on January 1, 2022.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin

ACT No. 166

SENATE BILL NO. 77
BY SENATOR MIZELL
AN ACT

To amend and reenact R.S. 47:301(10)(i) and to enact R.S. 47:302(BB) (114), 321(P)(115), 321.1(D)(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 effectiveness; 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(D)(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)

(i) The term “sale at retail” does not include the purchase of a new school bus or a used school bus ~~which that~~ 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. As used in this Subparagraph, “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).

* * *

§321.1. Imposition of tax

* * *

I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(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

ACT No. 167

SENATE BILL NO. 91
BY SENATOR PEACOCK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To enact Chapter 4 of Code Title I of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1711 through 1711.9, relative to securities and successions; to provide for uniform transfer on death of certain securities; to enact the Louisiana Uniform Transfer on Death Security Registration Act; to provide certain definitions, terms, procedures, conditions, requirements, exceptions, effects, and applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 4 of Code Title I of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:1711 through 1711.9, is hereby enacted to read as follows:

**CHAPTER 4. LOUISIANA UNIFORM TRANSFER ON DEATH
SECURITY REGISTRATION ACT**

§1711. Definitions

In this Chapter, the following definitions shall apply unless the context otherwise requires:

(1) “Beneficiary form” means a registration of a security that indicates the present owner or co-owners of the security and the designation of the person in whose name the security is to be registered upon the death of the owner or co-owner.

(2) “Good faith” has the same meaning as provided in R.S. 10:1-201.

(3) “Registering entity” means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(4) “Security” means a share, participation, or other interest in movable property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account. It shall not include a share, participation, or other interest in immovable property.

(5) “Security account” means (a) a reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death, or (b) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

(6) “State” includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

§1711.1. Registration in beneficiary form

Only individuals whose registration of a security shows sole ownership by one individual or multiple ownership by two or more with right of survivorship, rather than as co-owners in indivision or tenants in common, may obtain registration in beneficiary form.

§1711.2. Registration in beneficiary form; applicable law

A. A security may be registered in beneficiary form if the form is authorized by this or a similar statute of the state of organization of the issuer or registering entity, the location of the registering entity's principal office, the office of its transfer agent or its office making the registration, or by this or a similar statute of the law of the state listed as the owner's address at the time of registration. A registration governed by the law of a jurisdiction in which this or similar legislation is not in force or was not in force when a registration in beneficiary form was made is nevertheless presumed to be valid and authorized as a matter of contract law.

B. The registration in beneficiary form shall be executed by the owner in authentic form or an act under private signature executed in the presence of two persons.

§1711.3. Form of registration in beneficiary form

Registration in beneficiary form may be shown by the words “transfer on death” or the abbreviation “TOD”, or by the words “pay on death” or the abbreviation “POD”, after the name of the registered owner and before the name of a beneficiary, or when registration is in the names of multiple owners by the words “joint tenants with the right of survivorship” or the abbreviation “JTWROS”.

§1711.4. Effect of registration in beneficiary form

A registration of a security in beneficiary form does not constitute a donation inter vivos or mortis causa. A registration of a security in beneficiary form may be canceled or changed at any time by the sole owner or by any of the surviving owners without the consent of the beneficiary.

§1711.5. Registration on death of owner

A. On proof of death of a sole owner or the last to die of all multiple owners, and

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 or beneficiaries who survived the death of all owners, 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 last 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 assents 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 be held liable 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 succession representatives, surviving spouses, heirs, legatees, forced heirs, or creditors in 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 beneficiary.

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 "LDPS", standing for "lineal descendants per stirpes" 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 by 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. Short title; rules of construction

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.

§1711.9. Application of Chapter

A. This Chapter shall become effective on January 1, 2022, and shall apply only to registrations of securities in beneficiary form made on and after January 1, 2022.

B. This Chapter shall not preclude or govern the application of payable on death accounts and other transfers by a bank or savings institution as authorized by Title 6 of the Louisiana Revised Statutes of 1950.

Section 2. The Louisiana State Law Institute is hereby directed to prepare Official Comments to the provisions of this Act, and to revise those Official Comments in the future as may be necessary.

Section 3. The provisions of this Act shall become effective on January 1, 2022.

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 168

SENATE BILL NO. 103
BY SENATOR HENSGENS
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

AN ACT

To enact Chapter 15-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2071 through 2077, and R.S. 36:629(T), 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 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 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 research" 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 program that utilizes equine-assisted activities to contribute positively to the cognitive, physical, and social well-being of individuals.

(13) "Trail facility" means a facility with routes planned specifically for public equine use as well as necessary support areas such as camping facilities.

§2074. 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 educational programs from an accredited postsecondary education institution in Louisiana.

(4) One member 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) One member who is an owner or operator of an equine facility appointed from a list of three persons nominated by the Louisiana Farm Bureau Federation, Inc.

(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.

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.

(3) The president of Louisiana Farm Bureau Federation, Inc., 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 should 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 develop and promote equine tourism through the enhancement of equine trails and camping facilities.

(3) To support therapeutic riding and rehabilitation programs.

(4) To develop educational programs and disseminate educational materials about the equine industry.

(5) To support the enhancement and maintenance of public multi-use equine facilities.

(6) To promote activities, facilities, events, and the needs of the Louisiana equine industry.

(7) 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,

THE ADVOCATE

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* As it appears in the enrolled bill

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. 169

HOUSE BILL NO. 120
BY REPRESENTATIVE NEWELL
AN ACT

To enact R.S. 44:3.6, relative to public records regarding airport facilities, facilities on airport property, and 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.

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

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

* * *

B. Grant of authority. (1) The state treasurer is hereby authorized and directed to invest offshore revenues which are deposited into any fund created pursuant to the constitution or statutes of the state which are determined by the state treasurer to be available for investment in the following permitted investments:

* * *

(d) Stocks of any corporation listed on the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers Automated Quotations System, or other such stock exchange domiciled in the United States and registered with the United States Securities and Exchange Commission, provided that the total investment in such stocks at any one time shall not exceed ~~thirty-five~~ sixty-five percent of the market value of all funds held by the treasurer in the Kevin P. Reilly, Sr. Louisiana Education Quality Trust Fund.

* * *

Section 2. 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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

* * *

C. There is hereby established a fund in the state treasury to be known as the Artificial Reef Development Fund, hereinafter referred to as the “Reef Fund” or “Fund”, into which the state treasurer shall each fiscal year, and beginning with the 1986-87 Fiscal Year, deposit the funds received as provided in R.S. 56:639.8(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~~ of this Section 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(B) 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.

* * *

§650. Lifetime License Endowment Trust Fund

* * *

C. The state treasurer shall invest the principal and the undistributed return on the principal deposited in the Lifetime License Endowment Trust Fund for the purpose of achieving perpetual financing of said fund. Such investments may include, among others authorized by law the following:

(1) Equity investments in stocks, common and preferred, or corporations listed on the New York Stock Exchange, the American Stock Exchange, or quoted on the National Association of Securities Dealers Automated Quotations System, provided that the total investment in such securities at any one time shall not exceed ~~thirty-five~~ sixty-five percent of the market value of all funds held by the fund. The treasurer may hire, on a contract basis, investment managers or consultants as deemed appropriate to provide for the equity investments of the fund. Such contracts shall be on a fee, together with minimum exchange fee, basis or on a commission basis only, with payment for such fees being appropriated from the fund.

* * *

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. 171

HOUSE BILL NO. 157
BY REPRESENTATIVE GREEN
AN ACT

To amend and reenact R.S. 40:1665.1(A), (C), and (D), relative to health benefits of law enforcement officers; to provide relative to death benefits resulting from heart attack or stroke; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1665.1(A), (C), and (D) are hereby amended and reenacted to read as follows:

§1665.1. Financial security for surviving spouses and children of firemen and law enforcement officers; death by heart attack or stroke; presumption

A. In addition to the qualifying events enumerated in R.S. 40:1665 and 1665.2, a fireman or law enforcement officer, as defined in R.S. 40:1665.2(B) whose death is the direct and proximate result of a heart attack or a stroke shall be presumed to have died as the direct and proximate result of an injury sustained in the performance of his official duties for the purposes of R.S. 40:1665 and 1665.2 if:

(1) While on duty, the fireman or law enforcement officer engaged in an activity which was stressful or physical including but not limited to fire suppression, rescue, hazardous material response, foot pursuits, use of force encounters, hostage and victim rescues, tactical missions, emergency medical services, disaster relief, or other emergency response activity, or participated in a training exercise that involved stressful or strenuous physical activity.

(2) The fireman or law enforcement officer died as a result of a heart attack or stroke suffered while engaging or participating, or on duty after engaging or participating, in the activities or exercises described in Paragraph (1) of this Subsection or no later than twenty-four hours after engaging or participating in the activities or exercises described in Paragraph (1) of this Subsection.

* * *

C. The surviving spouse and children of a fireman or law enforcement officer whose death meets the requirements under Subsection A of this Section shall be eligible for the payment of benefits enumerated in R.S. 40:1665 for firemen

or 1665.2 for law enforcement officers.

D. Payment of benefits pursuant to this Section shall be made according to the provisions of R.S. 40:1665 and 1665.2 and shall be subject to review by the Law Enforcement Officers and Firemen’s Survivor Benefit Review Board.

* * *

Approved by the Governor, June 11, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 172

HOUSE BILL NO. 161
BY REPRESENTATIVE DESHOTEL
AN ACT

To enact R.S. 40:539(C)(8)(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)(8)(k) is hereby enacted to read as follows:

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

* * *

C.

* * *

(8)

* * *

(k) 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

HOUSE BILL NO. 163
BY REPRESENTATIVE BRASS
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 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. 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(G).

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 portion is rated as investment grade by a nationally recognized rating agency.

D.(1) 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 purpose of paying the insurance costs, claims, or premiums 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.

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

F.(1) To provide oversight, control, and general management of the affairs of the funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of five members as follows:

(a) The controller, the chief financial officer, or the finance manager of the sheriff's office, regardless of years of service.

(b) The four remaining positions shall be a combination of active deputy sheriffs, retired sheriffs, or retired deputy sheriffs of the office, appointed by the sheriff with at least one position designated for a retired sheriff or deputy sheriff. The minimum eligibility requirements of a board member appointed to any of these four remaining positions shall be at least fifteen years of full-time service.

(2) The controller, chief financial officer, or finance manager shall serve as the chairperson for the board. The first meeting shall be held within thirty days after the board members are appointed.

(3) Within sixty days of the date a vacancy occurs, the sheriff shall appoint a member who is eligible to serve on the board as provided in Subparagraphs (1)(a) and (b) of this Subsection to fill the vacancy for the unexpired term.

(4) The members of the board shall retain a financial advisor and legal counsel to provide recommendations and legal consultation concerning the investment of the funds. The board shall adopt rules governing their selection and compensation. The board may retain the sheriff's office in-house legal counsel.

(5) Members of the board shall serve terms concurrent with that of the sheriff.

Approved by the Governor, June 11, 2021.

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)(3), 1702, 1702.1, 1703, 1704, 1843, 1913(B) and (C), 2002(A)(2), 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 1701 and R.S. 23:1316, relative to default judgments; to eliminate preliminary defaults and confirmation of preliminary defaults; to provide for the rendition of default judgments; to provide for notice of the intent to obtain 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)(3), 1702.1, 1703, 1704, 1843, 1913(B) and (C), 2002(A)(2), 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:

* * *

~~(3) 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. 284. 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. 928. Time of pleading exceptions

A. The declinatory 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 seeking 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 may 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 is sustained and an amendment of the petition ordered, the answer shall be filed within ten fifteen days after the exception is overruled or referred to the merits, or ten fifteen days after service of the amended petition. C. 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 from fifteen to twenty-one days after service of citation. If the plaintiff files a discovery request with his petition, the delays for answering the petition and for responding to the discovery request will be thirty days. See Articles 1458(A), 1462(B)(1), and 1467(A). This change is intended to eliminate confusion, particularly for self-represented litigants who are served with a discovery request along with the petition, since the delays for responding to both are now the same.

(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 1464 or 1469, 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 include in an itemized form with a written motion 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. 9:2781 or 2782, the attorney shall certify that fact and the fact that the number of days required by R.S. 9:2781(A) or 2782(A), respectively, have elapsed since demand was made upon the defendant.

B. The certification shall indicate the type of service made on the defendant; and the date of service, ~~and the date a preliminary default was entered~~; and shall also include a certification by the clerk that the record 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, ~~shall be sent by the plaintiff or his counsel~~ to 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 mail, the person mailing such items shall execute and file in the record an affidavit stating that these items have been enclosed in an envelope properly addressed to the attorney general with sufficient postage affixed, and stating the date on which such envelope was deposited in the United States mail. ~~In addition the~~ The return receipt shall be attached to the affidavit ~~which was that is~~ filed in the record.

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 assistant attorney general received 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~~ the rendition of a default judgment against a political subdivision of 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, shall be sent by the plaintiff or his counsel by registered or certified mail to the proper agent or person for service of process at the office of that agent or person. The person mailing such items shall execute and file in the record an affidavit stating that these items have been enclosed in an envelope properly addressed to the proper agent 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. ~~In addition the~~ 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 agent 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 any political subdivision of the state.

Art. 1843. ~~Final default~~ Default judgment

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 by 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:

(2) 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 citation. The first scheduled trial date shall be not 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 who 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, what defense, if any, the defendant may have, and what evidence is available in support thereof.

B. Except in an executory 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 or proceeding as if he had been 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 defendant and no hearing may be held on a contradictory motion, 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:

§4990. 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~~ on the merits or upon ~~confirmation of any preliminary rendition of a default judgment~~ therein, due proof shall be made of a diligent effort on the part of the plaintiff 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 Default judgment

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 and proof of proper service is made, 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 the party's attorney 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 Default judgment

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 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 sent by certified mail by the party 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 defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or by the court, and the plaintiff establishes 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 sent if required by this Paragraph, unless such notice is waived. 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.~~

(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 the party's attorney at least seven days before a default judgment may be rendered.~~

(3) ~~In cases involving delictual actions where neither Subparagraph (1) or (2) of this Paragraph applies, notice that the plaintiff intends to obtain a default judgment shall be sent by regular mail to the party who fails to answer at the address where service was obtained at least seven days before a default judgment may be rendered.~~

B.(1) When a demand is based upon a conventional obligation, affidavits

and exhibits annexed thereto ~~which that~~ 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 ~~which contain~~ 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 or a promissory note, other negotiable instrument, or other conventional obligation, or a deficiency judgment derived therefrom, including those proceedings in which one or more mortgages, pledges, or other security for the open account, promissory note, negotiable instrument, conventional obligation, or deficiency judgment derived therefrom is sought to be enforced, maintained, or recognized, or in which the amount sought is that authorized by R.S. 9:2782 for a check dishonored for nonsufficient funds, a hearing in open court shall not be required unless the judge, in his discretion, directs that such a hearing be held. The plaintiff shall submit to the court the proof required by law and the original and not less than one copy of the proposed ~~final~~ default judgment. The judge shall, within seventy-two hours of receipt of such submission from the clerk of court, sign the proposed ~~final~~ default judgment or direct that 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.

D. When the demand is based upon a claim for a personal injury, a sworn narrative report of the treating physician or dentist may be offered in lieu of his testimony.

E.(1) Notwithstanding any other provisions of law to the contrary, when the demand is for divorce under Civil Code Article 103(1) or (5), whether or not the demand contains a claim for relief incidental or ancillary thereto, a hearing in open court shall not be required unless the judge, in his discretion, directs that a hearing be held. The plaintiff shall submit to the court an affidavit specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition, the original and not less than one copy of the proposed ~~final~~ default judgment, and a certification ~~which shall indicate~~ indicating the type of service made on the defendant; and the date of service, ~~the date a preliminary default was entered;~~ and a certification by the clerk that the record was examined by the clerk, including the date of the examination, and a statement that no answer or other pleading has been filed. If the demand is for divorce under Civil Code Article 103(5), a certified copy of the protective order or injunction rendered after a contradictory hearing or consent decree shall also be submitted to the court. If no answer or other pleading has been filed by the defendant, the judge shall, ~~after two days, exclusive of holidays, of entry of a preliminary default,~~ review the submitted affidavit, proposed ~~final~~ default judgment, and certification; and render and sign the proposed ~~final~~ default judgment; or direct that a hearing be held. The minutes shall reflect rendition and signing of the ~~final~~ default judgment.

(2) If the demand is for divorce under Civil Code Article 103(1) and the defendant, by sworn affidavit, acknowledges receipt of a certified copy of the petition and waives formal citation, service of process, all legal delays, notice of trial, and appearance at trial, a default judgment of divorce may be entered against the defendant two days, exclusive of legal holidays, after the affidavit is filed. The affidavit of the defendant may be prepared or notarized by any notary public.

Comments - 2021

(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 similar to that arising from a lack of 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 G 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~~ 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~~ 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 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 sum due is 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 plaintiff shall submit to the court the proof required by law and the original and not less than one copy of the proposed ~~final~~ default judgment. The judge shall, within seventy-two hours of receipt of such submission from the clerk of court, sign the proposed ~~final~~ default judgment or direct that 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 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~~ 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 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.

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 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

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 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 sent by certified mail by the party 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 defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or by the court, and the plaintiff establishes 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 sent if required by this Paragraph, unless such notice is waived. 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.~~

(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 the party's attorney at least seven days before a default judgment may be rendered.

(3) In cases involving delictual actions where neither Subparagraph (1) or (2) of this Paragraph applies, notice that the plaintiff intends to obtain a default judgment shall be sent by regular mail to the party who fails to answer at the address where service was obtained at least seven days before a default judgment may be rendered.

B.(1) When a demand is based upon a conventional obligation, affidavits and exhibits annexed thereto ~~which that~~ 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 ~~which contain~~ 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 or a promissory note, other negotiable instrument, or other conventional obligation, or a deficiency judgment derived therefrom, including those proceedings in which one or more mortgages, pledges, or other security for the open account, promissory note, negotiable instrument, conventional obligation, or deficiency judgment derived therefrom is sought to be enforced, maintained, or recognized, or in which the amount sought is that authorized by R.S. 9:2782 for a check dishonored for nonsufficient funds, a hearing in open court shall not be required unless the judge, in his discretion, directs that such a hearing be held. The plaintiff shall submit to the court the proof required by law and the original and not less than one copy of the proposed ~~final~~ default judgment. The judge shall, within seventy-two hours of receipt of such submission from the clerk of court, sign the proposed ~~final~~ default judgment or direct that 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.

D. 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.

~~D-E.~~ When the demand is based upon a claim for a personal injury, a sworn narrative report of the treating physician or dentist may be offered in lieu of his testimony.

~~E-F.(1)~~ Notwithstanding any other provisions of law to the contrary, when the demand is for divorce under Civil Code Article 103(1) or (5), whether or not the demand contains a claim for relief incidental or ancillary thereto, a hearing in open court shall not be required unless the judge, in his discretion, directs that a hearing be held. The plaintiff shall submit to the court an affidavit specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition, the original and not less than one copy of the proposed ~~final~~ judgment, and a certification ~~which shall indicate~~ indicating the type of service made on the defendant, and the date of service, ~~the date a preliminary default was entered,~~ and a certification by the clerk that the record was examined by the clerk, including the date of the examination, and a statement that no answer or other pleading has been filed. If the demand is for divorce under Civil Code Article 103(5), a certified copy of the protective order or injunction rendered after a contradictory hearing or consent decree shall also be submitted to the court. If no answer or other pleading has been filed by the defendant, the judge shall, ~~after two days, exclusive of holidays, of entry of a preliminary default,~~ review the submitted affidavit, proposed ~~final~~ default judgment, and certification; ~~and render and sign the proposed final default judgment; or direct that a hearing be held. The minutes shall reflect rendition and signing of the final default judgment.~~

(2) If the demand is for divorce under Civil Code Article 103(1) and the defendant, by sworn affidavit, acknowledges receipt of a certified copy of the petition and waives formal citation, service of process, all legal delays, notice of trial, and appearance at trial, a default judgment of divorce may be entered against the defendant two days, exclusive of legal holidays, after the affidavit is filed. The affidavit of the defendant may be prepared or notarized by any notary public.

(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 similar to that arising from a lack of 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~~ 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 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 sum due is 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 plaintiff shall submit to the court the proof required by law and the original and not less than one copy of the proposed ~~final~~ default judgment. The judge shall, within seventy-two hours of receipt of such submission from the clerk of court, sign the proposed ~~final~~ default judgment or direct that 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 default judgment shall be given as provided in Article 1913.

D. 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 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.

(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 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 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 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.

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

ACT No. 175

**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(B) is hereby amended 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 ~~may~~ 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

ACT No. 176

**HOUSE BILL NO. 174
BY REPRESENTATIVE HUVAL
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 192.801 et seq., 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

ACT No. 177

**HOUSE BILL NO. 176
BY REPRESENTATIVE THOMPSON
AN ACT**

To amend and reenact R.S. 42:1124.4(A)(3), (B)(2), and (C) and 1157(A)(1)(a) and (4), relative to ethics; to provide relative to certain fees and penalties assessed by the Board of Ethics; to reduce the per-day penalty to be assessed against certain filers of required financial disclosure statements; to provide for a maximum amount to be assessed against certain filers; to give discretion to the board and its staff regarding the assessment of certain penalties against certain filers of required financial disclosure statements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.4(A)(3), (B)(2), and (C) and 1157(A)(1)(a) and (4) are hereby amended and reenacted to read as follows:

§1124.4. Penalties

A.

* * *

(3) The board shall inform the person in the notice of delinquency that failure to file the statement, to disclose or accurately disclose the information, or to file an answer contesting the allegation by the deadline ~~shall~~ may result in the imposition of penalties as provided in Subsection C of this Section.

B.

* * *

(2) If the person fails to file the statement, fails to provide the omitted information, fails to correct the inaccurate information, or fails to file a written answer prior to the deadline contained in the notice of delinquency, he ~~shall~~ may be subject to assessment of the penalties provided in Subsection C of this Section for each day until the statement, omitted information, corrected information, or written answer is filed.

* * *

C. Penalties ~~shall~~ may be assessed as follows:

(1) Five hundred dollars per day for financial statements required by R.S. 42:1124.

(2) One hundred dollars per day for statements required by R.S. 42:1124.2.

(3) Fifty dollars per day for statements required by R.S. 42:1124.2.1 ~~or 1124.3.~~

(4) ~~Twenty-five dollars per day for statements required by R.S. 42:1124.3.~~

(5) The penalties to be assessed candidates shall be assessed according to which financial statement the candidate is required to file as provided in R.S. 18:1495.7.

* * *

§1157. Late filing fees

A.(1)(a) The staff of the Board of Ethics may assess and issue a final order for the payment of late filing fees, in accordance with rules adopted by the Board of Ethics, for any failure to timely file any report or statement due under any law under its jurisdiction as provided in R.S. 42:1132(C), R.S. 24:50 et seq., R.S. 49:71 et seq., or R.S. 33:9661 et seq. A final order issued pursuant to this Subparagraph shall be appealable to the Ethics Adjudicatory Board for an adjudicatory hearing conducted in accordance with R.S. 42:1141.5. For purposes of this Section, the phrase "late filing fees" shall include late filing fees and penalties as the case may be and the term "fee" shall include a fee or penalty as the case may be.

* * *

(4) Any late filing fees assessed by the Board of Ethics or its staff, for any failure to timely file any report or statement due, shall not exceed the following:(a) If the fee is twenty-five dollars per day, the maximum shall be five hundred dollars.

~~(b) If the fee is forty dollars per day, the maximum shall be one thousand dollars.~~

~~(c) If the fee is fifty dollars per day, the maximum shall be one thousand five hundred dollars.~~

~~(d) If the fee is sixty dollars per day, the maximum shall be two thousand dollars.~~

~~(e) If the fee is one hundred dollars per day, the maximum shall be two thousand five hundred dollars.~~

~~(f) If the fee is two hundred dollars per day, the maximum shall be three thousand dollars.~~

~~(g) If the fee is five hundred dollars per day, the maximum shall be twelve thousand five hundred dollars.~~

* * *

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. 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:

§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, FRIEMAN, 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)

(f), 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:

§2116.31. Scope, purpose; definitions

* * *

B. For the purpose of this Part unless the context clearly otherwise requires:

(1) "Authorized healthcare provider" means a physician, nurse practitioner, clinical nurse specialist, or physician assistant licensed, certified, registered, or otherwise authorized to order home healthcare services consistent with state law.

(4)(2) "Clinical record" means those documents maintained on all patients accepted for care by a home health agency. The records will be retained in accordance with existing state law.(2)(3) "Department" means the Louisiana Department of Health.

(3)(4) "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.

(4)(5) "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.

(5)(6) "Secretary" means the secretary of the Louisiana Department of Health.

(6)(7) "State agency" means the division of licensing and certification of the office of the secretary of the Louisiana Department of Health.

* * *

§2116.34. Minimum standards; rules and regulations

A. The secretary of the department shall prescribe and publish minimum standards pursuant to the Administrative Procedure Act. Such standards shall include but not be limited to the following:

* * *

(1) Requiring all such home health agencies to admit patients for skilled care only on the order of ~~a physician~~ an authorized healthcare provider. Signed ~~physician's~~ authorized healthcare provider's orders shall be obtained by the agency.

* * *

(7) Requiring agencies to make service available to an individual in need within twenty-four hours of a referral unless otherwise ordered by ~~a physician~~ an authorized healthcare provider.

* * *

(10) Requiring the administrator of the agency to be a person who is designated in writing, is administratively responsible and available in person or by telecommunication at all times for all aspects of facility operation, who has three years management experience in health care delivery service, and who meets one of the following conditions:

* * *

(c) Is employed as an administrator on or after January 13, 2018, and is a college graduate with a bachelor's degree.

(d) Is employed as an administrator prior to January 13, 2018, and Has has had three additional years of documented experience in a health care delivery service.

(e) Has an associate degree Is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or a home health care program.

* * *

(12) Requiring the administrator of each agency to comply with the minimum continuing education requirements established by the secretary.

* * *

Section 2. R.S. 40:2116.34(A)(10)(f) 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 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