

2019 LOUISIANA

LEGISLATIVE ACTS

SUMMARY

2019 LEGISLATIVE ACTS SUMMARY

Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2019, not just those that were deemed material to SPWW's practice of law. The summaries of many laws that were deemed not material to our practice, however, have been shortened considerably. If you particularly like or dislike this approach, please let Mike Landry know.

Organization

The book is organized in a logical fashion. Please see the Table of Contents. In addition, the appendices contain various summaries prepared by other organizations, as well as a very brief summary of all of the Acts passed in 2019 in Act number order.

Warning

The summaries are not intended to substitute for careful examination of a new law itself, if it is at issue. Our summaries are based on more detailed summaries prepared by the Legislative staff, which are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search", search by "Act" rather than "HB", and print the latest "Digest"). We have not attempted to verify the accuracy of the summaries prepared by the Legislative staff; we have simply edited them down. The summaries prepared by other organizations obviously vary widely in quality, scope, and perspective.

Effective Dates of Acts

Under La. Const. Art. 3, Section 19, except as may be otherwise specified in an act itself, (i) all laws enacted during a *regular session* of the legislature take effect on *August 15th* of the calendar year in which the session is held, and (ii) all laws enacted during an *extraordinary session* of the legislature take effect on the 60th day after final adjournment of the extraordinary session. There were no extraordinary sessions in 2019.

Where to Find Full Text of Acts and Laws

All Acts are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search" and search by "Act" rather than "HB").

All Louisiana laws, once codified, are available at www.legis.state.la.us/tsrs/search.htm.

Feedback

If you have any thoughts on how this book might be improved, please send an email to Mike Landry, John Farnsworth, or Larry Orlansky. We would like to make the book as useful as possible.

Credits

Sarah Hatley – downloaded legislative staff summaries from the Legislature's website, implemented edits to legislative staff summaries, searched for summaries by other organizations, assembled all of the summaries in proper order and applied formatting.

Mike Landry – edited legislative staff summaries for inclusion in book and provided design and oversight.

Nicolle Lanson – implemented edits to legislative staff summaries.

Lauryn Lewis – implemented edits to legislative staff summaries.

Peggy Shearman – implemented edits to legislative staff summaries.

TABLE OF CONTENTS

Constitution.....	1
Civil Code	2
Code of Civil Procedure.....	7
Code of Criminal Procedure	8
Code of Evidence	12
Children's Code	13
Multiple Codes and Titles	14
Uncodified.....	26
Title 1: General Provisions	32
Title 2: Aeronautics.....	32
Title 3: Agriculture and Forestry	32
Title 4: Amusements and Sports	36
Title 5: Auctions and Auctioneers	38
Title 6: Banks and Banking.....	38
Title 7: Bills and Notes	40
Title 8: Cemeteries.....	40
Title 9: Civil Code Ancillaries	40
Title 10: Commercial Laws	43
Title 11: Consolidated Public Retirement.....	43
Title 12: Corporations and Associations.....	48
Title 13: Courts and Judicial Procedure.....	48
Title 14: Criminal Law.....	52
Title 15: Criminal Procedure.....	58
Title 16: District Attorneys	66
Title 17: Education.....	66
Title 18: Louisiana Election Code	78
Title 19: Expropriation.....	83
Title 20: Homesteads And Exemptions	83
Title 21: Hotels and Lodging Houses	83
Title 22: Insurance	83
Title 23: Labor and Workers' Compensation	94
Title 24: Legislature and Laws	94
Title 25: Libraries, Museums, and Other Scientific.....	95
Title 26: Liquors – Alcoholic Beverages	95
Title 27: Louisiana Gaming Control Law	98

Title 28: Mental Health	99
Title 29: Military, Naval, and Veterans' Affairs	100
Title 30: Mineral, Oil, Gas and Environmental Quality.....	101
Title 31: Mineral Code.....	103
Title 32: Motor Vehicles and Traffic Regulation.....	103
Title 33: Municipalities and Parishes.....	113
Title 34: Navigation and Shipping	125
Title 35: Notaries Public and Commissioners.....	126
Title 36: Organization of the Executive Branch	127
Title 37: Professions and Occupations.....	128
Title 38: Public Contracts, Works and Improvements	135
Title 39: Public Finance	137
Title 40: Public Health and Safety	139
Title 41: Public Lands	160
Title 42: Public Officers and Employees	160
Title 43: Public Printing and Advertisements	162
Title 44: Public Records and Recorders.....	162
Title 45: Public Utilities and Carriers	163
Title 46: Public Welfare and Assistance	167
Title 47: Revenue and Taxation	173
Title 48: Roads, Bridges and Ferries.....	188
Title 49: State Administration.....	190
Title 50: Surveys and Surveyors	192
Title 51: Trade and Commerce	192
Title 52: United States	193
Title 53: War Emergency.....	193
Title 54: Warehouses	193
Title 55: Weights and Measures.....	193
Title 56: Wildlife and Fisheries	193

Appendix A: Summaries by Other Organizations

Appendix B: Very brief summaries of acts of the 2019 Regular Session

CONSTITUTION

Abortion (Act 447)

Proposed constitutional amendment provides that, to protect human life, nothing in present constitution shall be construed to secure or protect a right to abortion or require the funding of abortion.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 12, 2019.

(Adds Const. Art. I, §20.1)

Tax Refunds and Board of Tax Appeals (Act 446)

Present constitution authorizes the legislature to provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Proposed constitutional amendment extends this authority to remedies for any unconstitutional taxes paid by a taxpayer.

Proposed constitutional amendment provides that the Board of Tax Appeals has jurisdiction over all matters related to state and local taxes, fees, or other claims and against the state, and allows the legislature to extend the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes, fees, or other matters related to its jurisdiction by a two-thirds vote of elected members.

Proposed constitutional amendment provides that this jurisdiction of the Board of Tax Appeals may be concurrent with district courts.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 12, 2019.

(Adds Const. Art. V, §35)

Education Excellence Fund Expenditures (Act 445)

Present constitution provides for one-third of all monies received as a result of the Master Settlement Agreement of tobacco litigation, which are deposited into the Millennium Trust, and one-third of the investment earnings on such money, to be credited to the Education Excellence Fund.

Present constitution provides for appropriations from the Education Excellence Fund in great detail, including that appropriations to six named schools shall be \$75,000 plus the average per pupil amount paid to public schools.

Proposed constitutional amendment adds that the La. Educational Television Authority shall receive an appropriation of \$75,000.

Proposed constitutional amendment adds that the Thrive Academy shall receive an appropriation of \$75,000 plus the average per pupil amount paid to public schools.

Proposed constitutional amendment authorizes appropriations for laboratory schools approved by BESE and operated by public postsecondary education institutions equal to the average per pupil amount paid to public schools.

Proposed constitutional amendment changes the recipient of the Education Excellence Fund from a school or school system to an entity.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 12, 2019.

(Amends Const. Art. VII, §10.8(C)(3)(b), (c), and (g); Repeals Const. Art. VII, §10.0(C)(3)(d))

Property Tax Exemption for Articles Stored for Maintenance or Export to OCS (Act 444)

Present constitution authorizes a property exemption of ad valorem taxation on raw materials, goods, commodities, and other articles being held in La. for the purpose of being exported outside the states of the U.S.

Proposed constitutional amendment defines "being held" to include storage for maintenance or goods, commodities, and other articles destined for the Outer Continental Shelf.

Present constitution provides for the storage of raw materials, goods, commodities, and other activities on certain property, including in warehouses.

Proposed constitutional amendment adds that the exemption applies to raw materials, goods, commodities, and other articles stored in public and private warehouses.

Present constitution authorizes a property tax exemption for goods, commodities, and personal property from outside Louisiana, stored in transit in public or private storage, with a final destination outside the state.

Proposed constitutional amendment defines "storage while in transit" to include storage for maintenance of goods, commodities, and personal property destined for the Outer Continental Shelf.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 12, 2019.

Effective Dec. 1, 2019.

(Amends Const. Art. VII, §21(D)(2) and (3))

New Orleans Property Tax Exemption for Affordable Housing (Act 448)

Present constitution provides the exclusive list of exemptions from ad valorem taxation.

Proposed constitutional amendment authorizes the city of New Orleans to exempt properties, comprised of no more than 15 residential units excluding properties used as rentals for periods of less than 30 days, within Orleans Parish from ad valorem taxes to encourage and promote affordable housing as provided by law.

Proposed constitutional amendment authorizes the city to grant a full exemption, a partial

exemption, or to freeze the assessment level at the previous year's assessment level.

Proposed constitutional amendment requires that any decreases in the total amount of ad valorem tax collected by the taxing authority as a result of an ad valorem tax exemption granted 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.

Proposed constitutional amendment provides that implementation of an exemption authorized in this amendment shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages.

Specifies submission of the amendment to the voters at the statewide election to be held on October 12, 2019.

(Adds Const. Art. VII, Sec. 21(O))

CIVIL CODE

Gambling Contracts (Act 106)

New law provides that obligations arising from gaming, gambling, and wagering not authorized by law are examples of obligations with unlawful causes.

Old law provided for the definition of an aleatory contract and prohibited actions for the payment of gaming debts and bets with the exception of games tending to promote skill in the use of arms. Old law prohibited actions for the recovery of payments made on gaming debts and bets except in cases of fraud, deceit, or swindling.

New law repeals old law.

(Amends C.C. Art. 1968; Repeals C.C. Arts. 2982-2984)

Private Works Act (Act 325)

New law, relative to the Private Works Act, generally provides for rights secured by a claim

or privilege under the Act, for notice and bond requirements, and for the ranking of privileges.

Existing law provides for privileges on immovables to secure the obligations of the owner in favor of registered or certified surveyors or engineers or licensed architects or their professional subconsultants. New law makes changes in terminology.

Existing law provides for claims against the owner and contractor in favor of subcontractors, laborers or employees, sellers of movables, lessors, and prime consultant registered or certified surveyors or engineers or their professional subconsultants. Existing law provides for the indemnity of the owner by a contractor and for the indemnity of the owner, contractor, or other subcontractor by a subcontractor.

New law adds that a contractor or subcontractor who pays the claims of other claimants is legally subrogated to the claimants' contractual rights but not their claims or privileges under the Private Works Act. New law also makes changes in terminology.

New law provides that claims and privileges under the Private Works Act do not secure payment of attorney fees or other litigation expenses.

New law adds that when professional consultants or subconsultants are juridical persons, their claims and privileges under the Private Works Act arise in favor of the entity itself rather than its employees.

Existing law sets forth the notices that are required to be provided by professional consultants and subconsultants, lessors of movables, and sellers of movables. New law makes changes in terminology. New law provides for the contents of these notices, the circumstances under which notice must be given, and the effect of failing to properly provide notice. New law imposes notice requirements on subcontractors who do not have a direct relationship with the contractor.

Existing law defines the persons who are considered to be owners under the Private Works Act.

New law adds usufructuaries to the definition of owner and also provides that if the owner derives his interest in the immovable from another person, the owner's privilege is inferior and subject to the rights of and obligations owed to that person.

New law adds that the inclusion of the name of an owner who is not responsible for the claim under the Private Works Act does not give rise to liability or a privilege on the owner's interest.

New law makes express a choice of law rule that was previously implicit under the Private Works Act, removes the requirement of the filing of a bond with the notice of contract, and deletes a prior legislative amendment concerning preliminary site work that was performed by the contractor engaged to construct the building.

New law defines the circumstances under which works are substantially completed and abandoned.

New law provides for the definitions of terms.

Prior law required the notice of contract to contain the legal property description of the immovable and provided that the improper identification of the immovable constituted prima facie evidence of actual prejudice.

New law requires a complete property description of the immovable and provides that the improper or insufficient description of the immovable constitutes prima facie evidence of actual prejudice.

Prior law required a notice of contract to be filed by the contractor in order for him to assert a privilege if the stipulated or estimated price of the work exceeded \$25,000.

New law increases the threshold value of the work to \$100,000, and requires that the notice be filed by the contractor in order for him to assert any privilege under the Private Works Act. New

law provides that if the general contractor is precluded from asserting a privilege pursuant to this provision, he is also prohibited from filing a statement of claim and privilege.

Existing law provides that owners shall require general contractors to furnish and maintain a surety bond and imposes the requirement that the surety be solvent.

New law requires the bond to be issued by a surety company licensed to do business in Louisiana if the stipulated or estimated price of the work exceeds \$100,000.

Prior law set forth the amount of the bond required to be furnished based on tiered percentages of the stipulated or estimated price of the work.

New law instead requires that in all cases, the amount of the bond must be at least 100% of the stipulated or estimated price of the work.

Existing law sets forth the conditions that are deemed to be included in a bond that complies with these requirements. Prior law provided that a surety who had not consented to extensions of time had the right of indemnification as provided by Civil Code Article 3057.

New law removes the reference to the right of the surety to indemnification under former Civil Code Article 3057.

Existing law provides for the extinguishment of the liability of the surety as to all persons who fail to institute actions asserting their claims within one year after the expiration of the time within which they must file their statements of claim or privilege.

New law provides that a surety who pays a person to whom he is liable is legally subrogated to the person's contractual rights but not to the person's claims or privileges under the Private Works Act.

Existing law provides for the effectiveness of privileges that arise under the Private Works Act. Existing law provides that in determining when work has begun, the driving of test piling, cutting

or removal of trees and debris, placing of fill dirt, demolition of existing structures, or leveling of the land surface shall not be considered.

New law recognizes the existence of exceptions to the general rule and adds the clearing and grading of the land surface to the list provided by existing law.

Existing law provides that if the work is performed on an existing building or other construction, the part of the work performed before a third person's rights become effective shall, for ranking purposes only, be considered a distinct work in certain circumstances.

New law clarifies that this provision applies only in the event that notice of contract was not filed. New law provides that a privilege other than a laborer's privilege arising prior to the suspension of work will only maintain its ranking if the claimant files a statement of claim or privilege no later than 60 days after the commencement of the suspension.

Prior law authorized a person intending to acquire a mortgage, privilege, or other right in an immovable to conclusively rely upon a no-work affidavit as long as the affidavit was filed within four business days of its execution and the mortgage, privilege, or other document was filed before or within four business days of the filing of the affidavit.

New law instead requires the inspection to occur and the no-work affidavit to be filed within four business days before or within four business days after the filing of the mortgage, privilege, or other document. New law provides that the facts recited in the affidavit shall be deemed true at the time of the inspection and shall remain true until the mortgage, privilege, or other document is filed.

New law provides that the privileges and claims granted to professional consultants and subconsultants shall have no effect as to third persons acquiring rights with respect to the immovable before the statement of claim or privilege is filed.

New law provides that in the event that two notices of contract are filed, one of which was properly cancelled, the date of the later filing is the pertinent date for purposes of this provision.

Prior law provided for the ranking of mortgages and privileges on immovables, including privileges arising under the Private Works Act.

New law limits the applicability of these ranking rules only to privileges arising under the Private Works Act as to themselves and as to other mortgages and privileges, but not as to other mortgages and privileges among themselves.

New law provides for the ranking of privileges arising under the Private Works Act as to themselves.

New law provides that a privilege that encumbers a construction other than a building that would be movable under the Civil Code but is immovable for purposes of the Private Works Act is inferior to a UCC Chapter 9 security interest for which a financing statement was filed and later perfected or that was perfected before the privilege became effective against third persons.

Prior law set forth the time periods required for claimants to file their statements of claim and privilege.

New law provides that if notice of contract is properly filed but no notice of termination is filed, a claimant must file his statement of claim and privilege no later than six months after substantial completion or abandonment of the work.

New law provides that if a notice of termination is not filed, a general contractor must file his statement of privilege no later than seven months after substantial completion or abandonment of the work.

New law provides that if before expiration of the period provided in new law and at least 10 days before filing his statement of claim or privilege, a person granted a privilege under R.S. 9:4801(3) or (4), or a claim and privilege under R.S. 9:4802, in connection with a residential work for which a timely notice of contract was not filed, gives

notice of nonpayment to the owner, setting forth the amount and nature of the obligation giving rise to the claim and privilege, then the period in which the person is permitted to file his statement of privilege or claim shall expire 70 days after: (1) the filing of a notice of termination of the work, or (2) the substantial completion or abandonment of the work, if a notice of termination is not filed.

Prior law set forth the required contents of the notice of termination of the work, including a reasonable identification of the immovable.

New law requires the notice of termination to contain a complete property description of the immovable and permits the notice of termination to certify that the contract with the general contractor has terminated. New law clarifies that a notice of termination made in good faith is only conclusive for purposes of the Private Works Act.

New law permits the general contractor to request that the owner file a notice of termination of the work within 10 days if the work has been abandoned by the owner or substantially completed and to obtain a judgment that has the effect of a notice of termination if the owner fails to do so.

Prior law provided for the filing of a notice of termination or substantial completion with respect to a specified portion or area of work.

New law provides for the filing of a notice of termination with respect to a specified area of an immovable and to require the notice of termination to contain a complete property description of the specified area of the immovable.

New law requires a statement of claim or privilege to identify the owner who is liable for the claim or the person who appears of record to own the immovable.

Prior law required a claimant not in privity of contract with a contractor to file a statement of claim or privilege as a prerequisite to filing an action against the contractor and his surety. New law deletes prior law.

Existing law permits a claimant to give notice to the owner of an obligation owed to him and provides that an owner who has received such a notice shall notify the claimant of the filing of notice of termination of the work or the substantial completion or abandonment of the work.

New law extends the period within which the owner must give notice of the substantial completion or abandonment or of the filing of notice of termination of the work from three days to 10 days.

New law provides that a claimant who fails to file a statement of claim or privilege where an owner has not provided such notice retains his claim but not his privilege.

New law provides that the claim and privilege against the owner are extinguished if a bond is filed by either a contractor or a subcontractor.

New law requires a notice of contract, a notice of termination, certain affidavits, and other filings by an owner to contain a complete property description. New law requires other filings to contain a reasonable identification of the immovable and permits subsequent references to notices of contract that contain complete property descriptions or reasonable identifications of the immovable.

New law requires the recorder of mortgages to cancel a notice of contract if a no-work affidavit is filed within four business days of the filing of a request for cancellation signed by the owner and contractor.

New law provides that an owner who is identified in a statement of claim or privilege but who is not liable for the claim may require the person who filed the statement of claim or privilege to request its cancellation.

New law provides that if notice of pendency of action was not timely filed and the effect of recordation of a statement of claim or privilege has ceased, the recorder of mortgages shall cancel the recordation.

New law removes the statement under prior law that the surety shall not have the benefit of division or discussion, which are no longer afforded to the surety under the Civil Code.

Existing law sets forth the procedure for the enforcement of claims and privileges.

New law employs proper terminology, and clarifies the procedure to be used in concursus proceedings.

New law provides that proof of delivery of movables at the site of the immovable is prima facie evidence that the movables became component parts of, or were used on, the immovable or machinery or equipment.

New law provides that communications or documents are received when they come into the possession of the intended recipient.

New law provides for the delivery of communications or documents by mail or commercial courier and sets forth the addresses that may be used for the intended recipient.

New law provides for the delivery of communications or documents by electronic means, such as fax or email.

Prior law provided for the required notice given by the contractor to the owner in connection with residential home improvements.

New law amends prior law to clarify its meaning and improve its understandability.

Prior law provided for privileges in favor of contractors, laborers, and materialmen in connection with contracts between them. New law repeals prior law.

Prior law provided that vendors, architects, contractors, subcontractors, other laborers, and suppliers of materials, as well as repairers of levees, bridges, ditches, and roads, were entitled to a privilege on immovables.

New law provides that vendors and those who are granted special privileges by legislation have a privilege on immovables.

Existing law provides that vendors, workmen, and furnishers of materials are entitled to privileges on immovables and other privileges and provides with respect to the order of payment and the distribution of loss.

New law replaces "workmen and furnishers of materials" with "creditors having other special privileges".

Prior law provided for the vendor's privilege on land and the workmen's privilege on buildings. New law repeals prior law.

Prior law provided for the recordation and ranking of privileges of contractors, mechanics, and materialmen. New law repeals prior law.

Effective January 1, 2020, with exceptions as to applicability and retroactivity.

(Amends C.C. Arts. 3249, 3267, 3269, and 3274 and numerous sections in R.S. 9:4801 through 4852; Repeals C.C. Arts. 2772 - 2776, 3268, and 3272)

CODE OF CIVIL PROCEDURE

Courts and Non-English Speaking Persons (Act 406)

Present law requires in a civil proceeding a judge to appoint a competent interpreter to interpret the proceedings to a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court.

New law adds that an interpreter shall be appointed prior to the rule to show cause if it is determined that an interpreter is necessary.

Prior law required the court to order reimbursement, as court costs, to the interpreter for his services at a fixed reasonable amount in civil proceedings.

New law requires the court to order payment out of the court fund to the interpreter for his services at a fixed reasonable amount in civil proceedings and specifies that the amount paid out of the court fund may be taxed by the court as costs of court to be reimbursed to the fund.

Present law provides that a petition for civil protective order shall contain certain specified information.

New law adds that the petition shall contain a request for a competent interpreter for non-English-speaking petitioner or witness.

Effective upon signature of the governor (June 20, 2019).

(Amends C.C.P. Art. 192.2 and R.S. 46:2134(A))

Sheriff Sale Procedure (Act 415)

Existing law provides procedures for the sale of property to satisfy certain judgments.

Prior law required the sheriff to read the mortgage certificate and other certificates aloud at the sheriff's sales.

New law makes the reading of these certificates optional by adding additional methods of providing copies of these certificates to the public through public posting, written copies, electronic means, or any other method.

New law requires the copies of the certificate to be provided to the public at least 24 hours prior to the sale.

New law stipulates that failure to read aloud, procure, or provide the certificate does not impact the validity of the sale and does not give rise to a cause of action against the sheriff, seizing creditor, or purchaser arising out of such failure.

Effective August 1, 2019.

(Amends C.C.P. Art. 2334 and R.S. 13:4345)

Minors and Trusts (Act 17)

Present law provides that for any funds owed to a minor from a settlement or judgment, monies may be paid directly into the registry of the court, invested in an interest-bearing investment approved by the court, placed in trust, paid under a structured settlement, or paid in any combination thereof.

Present law provides that for monies owed to a minor in the custody of the Dept. of Children and Family Services (DCFS), the court may only place the funds in trust.

New law limits the amount that can be placed in trust for a minor in custody of the DCFS to no less than \$50,000 and removes the requirement that the court place the funds in trust.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 4521

Lake Charles City Court (Act 135)

Present law provides that in the City Court of Lake Charles, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000.

New law increases the civil jurisdictional amount from \$25,000 to \$50,000.

(Amends C.C.P. Art. 4843(E) and (H))

DEQ and Time Periods (Act 300)

Present law provides that in computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. Present law provides that the last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

Present law provides that a half-holiday is considered a legal holiday, and provides that a

legal holiday is to be included in the computation of a period of time allowed or prescribed, except when: (1) It is expressly excluded, (2) it would otherwise be the last day of the period, or (3) the period is less than seven days.

Present law provides that a legal holiday is excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

Present law provides an exception for the rehearing, reconsideration, or judicial review or appeal of a decision or order by the Dept. of Revenue.

New law adds decisions or orders by the Dept. of Environmental Quality to the exception.

(Amends C.C.P. Art. 5059(C)(2))

CODE OF CRIMINAL PROCEDURE

Search Warrants (Act 341)

Prior law provided that a search warrant cannot be lawfully executed after the expiration of the 10th day after its issuance.

New law provides an exception to prior law for data or information contained on an electronic device.

New law provides that if a search warrant is issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device, the warrant is considered to have been executed within the 10-day period allowed by prior law if the device was seized before the expiration of the 10-day period, or if the device was in law enforcement custody at the time of the issuance of the warrant.

New law provides that if the electronic device was seized before the expiration of the 10-day period, or if the device was in law enforcement custody at the time of the issuance of the warrant,

any data or information contained in or on the device may be recovered or extracted at any time pursuant to the warrant.

Effective August 1, 2019.

(Amends C.Cr.P. Art. 163)

Driving with an Invalid License (Act 154)

Present law requires a peace officer to make every practical attempt to confirm that a person has been issued a valid driver's license when the officer has reasonable grounds to believe the person has committed the offense of driving without a valid driver's license.

Present law further specifies that if the officer determines that the person has been issued a valid driver's license that is not under revocation, suspension, or cancellation, but is not in the person's possession, the officer must issue a written summons to the offender.

New law provides that a person must be in possession of their driver's license whether in physical or electronic form.

New law authorizes a peace officer to use his discretion to make a custodial arrest or issue a citation for a person driving with a driver's license that is under suspension, revocation, or cancellation.

(Amends C.Cr.P. Art. 211(C); Adds C.Cr.P. Art 211(D))

Guilty Plea Procedure (Act 158)

Present law provides that the court shall not accept a plea of guilty or nolo contendere without first addressing the defendant personally in open court and informing him of, and determining that he understands, certain things.

Present law requires the court to inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the district attorney and the defendant or his attorney. Present law requires the disclosure of the agreement in open court or, on a

showing of good cause, in camera, at the time the plea is offered.

New law requires the court to inquire of the defendant and his attorney whether he has been informed of all plea offers made by the state.

(Amends C.Cr.P. Art. 556.1(C))

Preemptory Challenges Based on Race or Gender (Act 235)

Prior law prohibited a preemptory challenge from being based solely upon the race or gender of the juror.

Prior law provided that if an objection was made that the state or defense had excluded a juror solely on race or gender, the court was authorized to demand a satisfactory race or gender neutral reason for the exercise of the challenge, unless the court was satisfied that such reason was apparent from the voir dire examination of the juror.

Prior law provided that if required by the court, such demand and disclosure was required to be made outside of the hearing of any juror or prospective juror.

New law changes prior law to provide that no preemptory challenge shall be motivated in substantial part on the basis of the race or gender of the juror.

New law changes prior law to require the court to demand a satisfactory race or gender neutral reason for the exercise of the challenge regardless of whether it is satisfied that such reason is apparent from the voir dire examination of the juror.

New law requires the demand and disclosure to be made outside of the hearing of any juror or prospective juror regardless of whether the court requires it.

New law requires the court to make a determination of whether the challenge was motivated in substantial part on the basis of race or gender.

Effective August 1, 2019.

(Amends C.Cr.P. Art. 795(C))

Special Jury Verdicts in Firearm Cases (Act 326)

Old law provided that any qualification of or addition to a verdict of guilty, beyond a specification of the offense as to which the verdict is found, is without effect upon the finding.

New law provides that any fact that increases the maximum or mandatory minimum penalty for a crime, other than the fact of a prior conviction, may be submitted to the jury, and the verdict may include a specific finding of fact as to that issue.

Existing law provides for the imposition of certain sentences when a firearm was discharged, used, or actually possessed during the commission of certain offenses. Prior law provided for the court to determine whether a firearm was so discharged, used, or actually possessed, pursuant to various procedures.

New law amends prior law to provide that the determination as to whether a firearm was discharged, used, or actually possessed during the commission of one of the specifically enumerated offenses is a specific finding of fact to be submitted to the jury and proven by the state beyond a reasonable doubt.

New law repeals the prior law provisions which authorized the court to conduct a contradictory hearing, provided for the type of evidence the court may consider, and provided that the burden of proof was by clear and convincing evidence.

Existing law provides for various penalties when it is determined that the offender discharged, used, or actually possessed a firearm during the commission of an offense.

New law provides that the term of imprisonment provided in existing law is a minimum and that the court shall impose a term of imprisonment not less than the minimum amount set forth in existing law and not more than the term of

imprisonment imposed for the underlying offense.

Effective upon signature of governor (June 11, 2019).

(Amends C.Cr.P. Arts. 817, 893.2, and 893.3)

Suspension of Drivers' Licenses (Act 111)

Old law provided that when a fine is levied against a person convicted of any criminal offense, and the defendant is granted an extension of time to pay the fine, the judge of the court having jurisdiction may order the driver's license to be surrendered to the sheriff or official of the court collecting fines for a period of time not to exceed 180 days. If, after expiration of 180 days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Dept. of Public Safety and Corrections.

Act No. 260 of the 2017 R.S. amended old law to authorize the surrender of a defendant's driver's license only when the defendant is able but has willfully refused to pay the fine. These changes to old law become effective Aug. 1, 2019.

New law provides that upon a showing by the defendant that he is financially unable to pay at the expiration of the extended period granted by the court, the court shall grant the person an extension of time, not to exceed 180 days, in which to pay the fine, or offer the person, in lieu of paying the fine, the alternative of performing community service as set by the judge.

New law provides that if, at the expiration of the 180-day period granted by the judge, the judge determines that the defendant has either willfully not paid the fine or has not performed the community service, the judge may either: (a) order the person's driver's license to be surrendered to the sheriff or official of the court collecting fines, or (b) grant the person an extension of time to either pay the fine or perform the community service.

New law prohibits the court from suspending the driver's license of a defendant, unless the court

determines that the defendant is able but has willfully refused to pay the fine or perform community service.

(Adds C.Cr.P. Art. 885.1)

Suspension of Drivers' Licenses (Act 253)

Act No. 260 of the 2017 R.S. made numerous changes to present law relative to the financial obligations of criminal offenders. Act No. 260 of the 2017 R.S. provided that these changes to present law shall be effective Aug. 1, 2018. In the 2018 R.S., Act Nos. 137 and 668 delayed the effective date of these changes from Aug. 1, 2018, to Aug. 1, 2019.

New law delays the effective date of these provisions for two additional years from Aug. 1, 2019, to Aug. 1, 2021, except for certain changes made to present law provisions regarding the court's authority to suspend the driver's license of the defendant which shall be effective, pursuant to new law, on Aug. 1, 2019.

New law amends present law to provide that upon a showing by the defendant that he is financially unable to pay at the expiration of the extended period granted by the court under present law, the court shall grant the person an extension of time, not to exceed 180 days, in which to pay the fine, or offer the person, in lieu of paying the fine, the alternative of performing community service as set by the judge.

New law amends present law to provide that if, at the expiration of the 180-day period granted by the judge, the judge determines that the defendant has either willfully not paid the fine or has not performed the community service, the judge may: (a) order the person's driver's license to be surrendered to the sheriff or official of the court collecting fines, or (b) grant the person an extension of time to either pay the fine or perform the community service.

(Amends C.Cr.P. Art. 885.1 and Act No. 260 of the 2017 R.S., §3, as amended by Act Nos. 137 and 668 of the 2018 R.S.)

Post-Conviction DNA Testing (Act 156)

Present law provides for the rules for post-conviction relief and generally requires all applications to be filed within two years after the judgment of conviction and sentence have become final.

Old law created an exception to the time period for filing an application for post-conviction relief by allowing petitioners until Aug. 31, 2019, to seek post-conviction DNA testing.

New law extends the time period for petitioners seeking post-conviction DNA testing to Aug. 31, 2024.

Old law additionally required that once an application for DNA testing is served on the district attorney and the law enforcement agency in possession of the evidence to be tested, the clerks of court of each parish and all law enforcement agencies are to preserve until Aug. 31, 2019, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing, in all cases that, as of Aug. 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

New law extends the time period for the preservation of all such items of evidence until Aug. 31, 2024.

Old law provided that for purposes of DNA testing, crime laboratories shall be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

New law changes the accreditation for the crime laboratories to those accredited by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to an accreditation program based on the international standard ISO/IEC 17025 with an accreditation scope in the field of forensic science testing in the discipline of biology, and that is compliant with the current version of the Federal Bureau of Investigations Quality

Assurance Standards for Forensic DNA Testing Laboratories.

Old law provided for the creation of the DNA Testing Post-Conviction Relief for Indigents Fund in the state treasury to be administered by the La. Indigent Defense Assistance Board.

New law changes the La. Indigent Defense Assistance Board to the La. Public Defender Board.

(Amends C.Cr.P. Art. 926.1)

Expungement (Act 1)

Present law provides for the expungement of certain arrest and conviction records under certain circumstances.

New law amends the definition of "records" to include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

Present law provides that the total cost to obtain an expungement of a record shall not exceed \$550.

New law adds that if an application for an expungement of a record has two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, then the applicant is required to only pay one fee.

(Amends C.Cr.P. Art. 972(4) and 983(H); Adds C.Cr.P. Art. 983(I))

Expungement (Act 268)

Present constitution provides that a first offender convicted of a nonviolent crime, or convicted of aggravated battery, second degree battery, aggravated assault, mingling harmful substances, aggravated criminal damage to property, purse snatching, extortion, or illegal use of weapons or dangerous instrumentalities never previously convicted of a felony is pardoned automatically upon completion of his sentence, without a

recommendation of the Board of Pardons and without action by the governor.

New law provides that a person is also entitled to an expungement if he is entitled to a first offender pardon pursuant to present constitution, provided the offense is not defined as a crime of violence or a sex offense under present law.

Effective August 1, 2019.

(Adds C.Cr.P. Art. 978(A)(3))

CODE OF EVIDENCE

Hearsay Exception (Act 237)

New law adds to the list of hearsay exceptions statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination if the statement is documented in writing by the healthcare provider.

Effective August 1, 2019.

(Adds C.E. Art. 801(D)(1)(e))

Expert Witnesses on Eyewitness Identification (Act 115)

Present law authorizes a witness qualified as an expert to testify in the form of an opinion or otherwise if:

- (1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact understand the evidence or determine a fact in issue.
- (2) The testimony is based on sufficient facts or data.
- (3) The testimony is the product of reliable principles and methods.
- (4) The expert has reliably applied the principles and methods to the facts of the case.

New law provides that present law also governs expert witnesses on the issue of memory and eyewitness identification.

New law provides that an expert's testimony shall not offer an opinion as to whether a witness's eyewitness identification is accurate.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.E. Art. 702)

CHILDREN'S CODE

Marriage of Minors (Act 401)

New law prohibits a minor under the age of 16 from entering into a contract of marriage and prohibits a minor 16 or 17 years of age from entering into a contract of marriage with a person of the age of majority where there is an age difference of three years or greater between them.

Prior law provided that a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties, but provided that a purported marriage between parties of the same sex does not produce any civil effects.

New law retains prior law, when the cause of the nullity is another reason, and provides that when the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties.

Prior law provided that a minor is fully emancipated by marriage, that termination of the marriage does not affect emancipation by marriage, and that emancipation by marriage may not be modified or terminated.

New law retains prior law for a minor 16 or 17 years of age.

Prior law provided that unless fully emancipated, a minor may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

New law provides that a minor under the age of 16 may not enter into a matrimonial agreement.

New law provides that a minor 16 or 17 years of age may not enter into a matrimonial agreement without judicial authorization and the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

New law prohibits the issuance of a marriage license for a minor under the age of 16. New law prohibits the issuance of a marriage license for a minor of the age of 16 or 17 where there is an age difference of three years or greater between the persons seeking the marriage license.

Prior law prohibited an officiant from performing a marriage ceremony in which a minor is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law.

Prior law provided that a minor under the age of 16 shall also obtain written authorization to marry from the judge of the court exercising juvenile jurisdiction in the parish in which the minor resides or the marriage ceremony is to be performed.

New law prohibits an officiant from performing a marriage ceremony in which a minor 16 or older is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law. New law prohibits the performance of a marriage ceremony for a minor under the age of 16.

Prior law provided for judicial authorization, upon application by the minor, for the marriage when there is a compelling reason why the marriage should take place.

New law provides for judicial authorization, upon application by a minor of the age of 16 or 17, for the marriage when there is a compelling reason why the marriage should take place.

New law provides that no marriage shall be authorized for a minor under the age of 16.

New law provides that the clerk of court shall maintain a copy of application of marriage of a minor. New law provides that the annual state of marriage report shall include the number of minors married in each parish the number of marriages approved by parental consent and judicial authorization.

New law provides that the court shall consider the best interest of prospective spouses for judicial authorization to marry a minor.

New law provides that the court shall inquire and report any evidence of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.

New law provides that the prospective husband and wife shall be present at a hearing and shall have separate in camera interviews of the prospective spouses.

Effective August 1, 2019.

(Amends C.C. Arts. 96, 367, and 2333, R.S. 9:221, 253, 255, Ch. C. Arts. 1545, 1547, and 1548; adds C.C. Art. 90.1)

Child Support (Act 277)

Present law provides a procedure for commencement of child support actions and redirection of support payments by the Dept. of Children and Family Services (DCFS). Present law provides that DCFS is authorized to receive and disburse support payments made on behalf of each child who is a recipient of public assistance, and is authorized to administratively change the payee of a support order to the department.

Present law provides that for cases no longer receiving support enforcement services from the department, upon motion of an interested party, a support order shall be transferred to the district or family court in the same parish as the juvenile court transferring the order. New law provides for an effective date of redirection of support payments.

New law provides that a court shall issue an order recognizing or removing the name of payor or payee when notice of redirection of support payment is filed with the clerk of court. New law provides that such order shall be served to all parties.

Present law provides for portions of Act 264 of the 2017 Regular Session, as amended by Act 136 of the 2018 Regular Session, that generally provide for suspension of child support during an obligor's incarceration, to become effective on Aug. 1, 2019. New law changes the effective date to Aug. 1, 2020.

Effective August 1, 2019.

(Amends Ch.C. Art. 313(B), R.S. 46:236.2, and Section 1 of Act No. 136 of the 2018 Regular Session)

Juvenile Detention Hearings (Act 310)

Present law provides that if a child is not released to the care of his parents, a hearing shall be held by the court within three days after the child's entry into the juvenile detention center or shelter care facility. If the hearing is not held, the child shall be released unless the hearing is continued at the request of the child.

New law provides that the three-day period includes any day that is included as a legal holiday. When the last day of the three-day period is a legal holiday, new law requires the hearing to be set and held on the next business day that is not a legal holiday.

Effective August 1, 2019.

(Amends Ch.C. Art. 819)

MULTIPLE CODES AND TITLES

Foster Care (Act 400)

New law establishes an extended foster care program for children who are at least 18 years old but less than 21 years old. New law provides for definitions, program eligibility, a voluntary placement agreement, a written court report,

court jurisdiction, internal administrative reviews, program participation termination, and extension of an adoption or guardianship subsidy.

With respect to extended foster care proceedings, new law provides exclusive original jurisdiction for review of the written report by a court exercising juvenile jurisdiction to make a determination of whether it is in the youth's best interest to continue in extended foster care in a voluntary placement.

Present law provides for an extended stay in foster care for children housed in a residential home. New law adds that a child can stay in foster care if he is housed at a residential home, transitional placing program, or in foster care until his 21st birthday while participating in an extended foster care program.

Prior law provided for extension of foster care for certain high school students. New law repeals prior law and incorporates education as a determination of eligibility for the program established by new law.

Present law provides for the confidentiality of foster care client case records and waiver of that confidentiality only under certain circumstances and with certain approvals. New law adds that the Dept. of Children and Family Services (DCFS) or a department contractor, with written consent of the foster child, may furnish certain information for education, training, and to provide perspective on foster care experience.

Effective upon signature of governor (June 19, 2019).

(Amends the heading of Ch. 3 of Title III of the Children's Code, the heading of Ch.C. Art. 303, and R.S. 46:56(F)(7)(c) and 1403.1; adds Ch.C. Art. 303(12) and R.S. 46:288.1-288.10; repeals R.S. 46:286.24)

Mandatory Reporting by Abortion Personnel and Human Trafficking Notices (Act 280)

New law adds "abortion facility staff member" to the list of healthcare staff members who are mandatory reporters of child abuse or neglect.

New law requires abortion facility professionals and abortion facility staff members to report crimes of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to law enforcement, whether the victim is a minor child or an adult. New law requires that the report be made immediately not later than the end of the business day.

New law defines "abortion facility professional" or "outpatient abortion facility professional" as an individual who is a physician, surgeon, resident, intern, licensed nurse, nursing aide, emergency medical technician, or a paramedic who diagnoses, examines, or treats a female patient at an outpatient abortion facility.

New law defines "abortion facility staff member" or "outpatient abortion facility staff member" as an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility.

New law provides that the Dept. of Health shall promulgate a form which may be used by a mandatory reporter to law enforcement to report a crime of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to the sheriff's department in the parish or to the local police department where the outpatient abortion facility is located.

New law provides that beginning Aug. 1, 2019, every mandatory reporter to law enforcement shall certify to the Dept. of Health that they have participated in training on human trafficking awareness and prevention on an annual basis.

Present law requires information regarding the National Human Trafficking Resource Center Hotline to be posted in certain establishments. New law requires that the notice include the ability to text "Help" to 233733 (Be Free) in order to access help and services.

New law provides that, in addition to the posting required in present law, beginning on Jan. 1, 2020, each establishment required to post

information shall affix a flyer to the inside of the door to each bathroom stall at the establishment.

New law provides that the flyer will be designed by the Greater New Orleans Human Trafficking Task Force, with the approval of the ATC commissioner, and shall be no larger than 8 ½ by 11.

New law provides that no later than Dec. 1, 2019, the Greater New Orleans Human Trafficking Task Force shall transfer the flyer in an electronic format to the ATC commissioner for posting on the ATC's website.

Effective August 1, 2019.

(Amends Ch. C. Art. 603, RS. 15:541.1 and R.S. 40:2175.3, R.S. 44:4.1; adds R.S. 15:541(E) and R.S. 40:2175.7)

Industrial Hemp Farming and CBD Sales (Act 164)

New law provides definitions for terms applicable to the cultivation, processing, and transportation of industrial hemp. New law defines industrial hemp as the Cannabis sativa L. plant and any part of the plant that has a THC concentration of 0.3% or less on a dry weight basis.

New law authorizes individuals licensed by the Dept. of Agriculture and Forestry (LDAF) to cultivate, process, handle, and transport industrial hemp.

New law grants the Agricultural Chemistry and Seed Commission the authority to establish criteria for seed approval, hold hearings on alleged violations, and advise the commissioner on civil penalties.

New law grants the commissioner of agriculture the authority to:

- (1) Adopt rules and regulations to regulate industrial hemp cultivation and processing.

- (2) Administer and enforce industrial hemp laws and rules.
- (3) Collect, administer, and disburse the proceeds of all fees, interest, penalties, and other monies collected for regulation of industrial hemp.
- (4) Appoint and employ necessary personnel to regulate industrial hemp.
- (5) Enter property to conduct inspections, collect samples, test, examine, and copy records, and carry out suppression or eradication activities.
- (6) Seek and obtain injunctive or other civil relief to restrain and prevent violations.
- (7) Institute civil proceedings to enforce his orders and rulings.
- (8) Create a state plan to submit to the federal government, in consultation with the attorney general and governor.

New law grants the following powers and duties to the House and Senate agriculture committees:

- (1) Review of the state plan prior to submission to the federal government.
- (2) Affirmative approval of all proposed industrial hemp rules.

New law establishes four license types to be issued by LDAF:

- (1) Grower - authorizes licensee to cultivate, handle, and transport industrial hemp.
- (2) Processor - authorizes licensee to handle, process, and transport industrial hemp.
- (3) Seed producer - authorizes licensee to produce, transport, and sell approved industrial hemp seeds.
- (4) Contract carrier - authorizes licensee to transport industrial hemp.

New law authorizes applicants to identify a designated responsible party who must submit to a criminal background check prior to receiving a license.

New law prohibits any person who has been convicted of a felony within the past 10 years or a drug-related misdemeanor within the past 2 years from obtaining a license.

New law requires licensees to maintain records including acquisition of industrial hemp seeds and plants and any sales or distribution of the seeds or plants.

New law requires LDAF to test all industrial hemp crops prior to harvest to make sure the THC concentration doesn't exceed 0.3%.

New law requires growers to harvest their hemp crops within 15 days of LDAF's test, unless they have received specific authorization from LDAF.

New law authorizes LDAF to randomly inspect crops and products if the department has probable cause to believe a violation has occurred and to detain, seize, or embargo any crop of industrial hemp that tests higher than a 0.3% THC concentration.

New law authorizes the commissioner to determine license and testing fees, not to exceed \$500 for licenses and \$250 for tests. New law requires that the fees must be tied to the cost of regulation and services provided.

New law provides that any person who violates the provisions of new law will be subject to civil penalty fines of up to \$500 per violation per day and criminal penalty fines of up to \$50,000 in addition to imprisonment from one to 20 years.

New law authorizes the LSU Ag Center and the SU Ag Center to research and develop new industrial hemp seed varieties and exempts them from licensing requirements.

New law prohibits processing any part of hemp for inhalation and processing or selling any alcoholic beverages or food containing CBD.

New law requires that any CBD products sold in La. must come from hemp produced under an approved state plan, meet labeling standards, and be registered with the La. Dept. of Health.

New law requires retailers to receive permission from the office of alcohol and tobacco control prior to selling CBD products.

New law exempts industrial hemp produced in accordance with new law from the Uniform Controlled Dangerous Substances Law.

(Adds R.S. 3:1449(B)(3) and 1461-1472 and R.S. 40:4.9(F) and 961.1)

Out-of-State Trust Companies (Act 334)

New law provides that an out-of-state trust company may act as a fiduciary from a trust office only if: (1) it maintains a trust office or branch in the state, and (2) the state where the out-of-state trust company has its principal location allows a Louisiana institution to perform substantially similar business activities.

New law provides that an out-of-state trust company may at each office engage in the same activities as a Louisiana trust company.

New law provides that an out-of-state trust company may establish a trust representative office in this state, and provides that the company may not enter into any trust agreements.

Effective upon signature of the governor (June 11, 2019)

(Amends R.S. 6:626(A) and R.S. 9:1783(A))

Corporate, LLC, and Partnership Laws (Act 19)

New law allows the secretary of state's office to prescribe and furnish forms for certain filings.

New law provides that the failure to include the taxpayer identification number of the partnership, when filing a statement of registry, shall not invalidate nor cause the secretary of state to reject the contract.

Old law required a corporation to deliver two copies of an application for withdrawal to the secretary of state. New law reduces the number to one.

Old law required the secretary of state to provide written notice to a foreign corporation or limited liability company before the certificate of authority is suspended, giving the entity 15 days to comply or to show cause why the written notice should not have been given. Old law authorized the secretary of state to hold hearings and take evidence when the corporation or limited liability company undertakes to show cause. Old law allowed the secretary of state to suspend the certificate of authority of any such corporation or limited liability company, if the corporation or limited liability company not reply within the 15 day period. New law repeals old law.

New law requires the secretary of state to provide at least 60 days written notice of the secretary of state's intention to suspend a corporation's or limited liability company's certificate of authority.

New law provides that if a corporation's or limited liability company's certificate of authority is suspended for failure to file its annual report within the time required by present law, and has been suspended for six months or more, the secretary of state shall revoke the suspension only if the required annual report is accompanied by a certificate of existence or a certificate of good standing.

Old law required that when any order of suspension is made, the secretary of state shall forward a certified copy of the order to the corporation and provide similar notice in the event of revocation of such suspension. New law repeals old law.

New law requires a request for conversion of state of organization to be acknowledged by at least one of the persons who signed or execution by authentic act.

Present law provides that electronic mail addresses and short message service numbers submitted to or captured by the secretary of state

shall be confidential and not be disclosed except in the course of certain interactions. New law adds internet protocol address numbers to this list of confidential items.

New law provides a list of items relating to the secretary of state's computer systems and equipment that shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Dept. of State.

Effective upon signature of governor or lapse of time of gubernatorial action.

(Amends R.S. 9:3403, 3409, 3422, 3427, 3428, and 3445, R.S.12:1- 121, 1-1007, 205, 205.1, 238, 239.1, 241, 243, 247.1, 250, 250.1, 256, 257, 262.1, 304, 307.1, 312, 312.1, 313, 492, 1304, 1308.1, 1308.2, 1308.3, 1309, 1310, 1335.1, 1339, 1340, 1349, 1350.1, 1352, 1353, 1360, 1702, and 1804, and R.S. 51:211, 215.1, and 219; Adds R.S. 9:3409 and 3428, R.S. 12:205.1, 236, 243, 308, 309, 1307, 1308 and 1350(G), and 1350.1, and R.S. 51:217(C))

State Funds and Accounts (Act 404)

New law, effective July 1, 2019, abolishes certain funds in the state treasury, namely, the FEMA Reimbursement Fund and the Louisiana Interoperability Communications Fund.

New law amends certain funds from being dedicated funds in the state treasury to statutorily dedicated fund accounts in the state treasury, namely, the Battered Women's Shelter Fund and the Drug Abuse Education and Treatment Fund.

New law amends prior law to clarify that unless specifically provided otherwise in the statute establishing the special statutorily dedicated fund account, the monies in the accounts shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the accounts following compliance with the requirements the Bond Security and Redemption Fund, and shall not be deposited into the general fund.

New law changes the Louisiana Animal Welfare Fund to an escrow fund.

New law corrects the names of eleven funds which were amended in Act 612 of the 2018 RS which converted the funds to special statutorily dedicated fund accounts.

New law directs the La. State Law Institute to correct references in any Code or the Louisiana Revised Statutes to reflect the changes made to the funds and accounts listed in this section of new law.

Prior law provided that no later than Oct. 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the Dedicated Fund Review Subcommittee (subcommittee) of the Joint Legislative Committee on the Budget (JLCB).

New law, effective July 1, 2019, changes prior law to require that no later than August 1, 2019, the division of administration shall submit a plan of special funds and dedications that contain fees and self-generated revenues to the JLCB. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to Jan. 15, 2019.

New law, effective July 1, 2019, provides that on or before Feb. 1, 2020, and every four years thereafter, the state treasurer's office shall submit a list of special funds, dedications, and statutorily dedicated fund accounts to the JLCB. The JLCB shall devise a plan for the Dedicated Fund Review Subcommittee to review. New law removes references to Sept. 1, 2017, and Oct. 1, 2017.

Prior law required the JLCB to ensure that all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four years.

New law, effective July 1, 2019, provides that the JLCB shall ensure that all special funds, dedications, and statutorily dedicated fund accounts shall be reviewed by the subcommittee at least once every four years.

New law, effective July 1, 2019, provides that the subcommittee shall meet at least once every two years and may hold other meetings upon the call of the chairperson or majority of the members and shall only meet between Aug. 15th and Jan. 15th each fiscal year.

New law clarifies that funds converted to a statutorily dedicated fund account or escrow account shall not be considered as revoked or repealed.

Effective July 1, 2020, except as otherwise noted.

(Amends R.S. 13:998, 1141, and 1414; R.S. 15:1224; R.S. 17:1519.6, R.S. 23:1514 as amended by Acts 2018, No.612, §7; R.S. 39:100.31 and 1357; R.S. 47:120.71; R.S. 47:318 as amended by Acts 2018, No. 612, §15; R.S. 49:308.5; R.S. 51:2315 as amended by Acts 2018, No. 612, §17; R.S. 56:279 as amended by Acts 2018, No. 612, §18; C.Cr.P. Art. 895.1 as amended by Acts 2017, No. 260, §1 and Acts 2018, No. 137; C.Cr.P. Art. 895.1 as amended by Acts 2018, No. 612, §19; Sections 1 and 24 of Acts 2018, No. 612, §8; repeals R.S. 24:653(N)(3) as amended by Acts 2018, No. 612, §8; R.S. 39:100.26 and 100.41, R.S. 49:308.5(B) as amended by Acts 2018, No. 612, §16)

Firearm Transfers (Act 427)

Existing law prohibits any person from intentionally giving, selling, donating, lending, delivering, or otherwise transferring a firearm to any person known to the offender to be a person prohibited from possessing a firearm under existing law or federal law.

Prior law provided that such person may be fined not more than \$2,500, be imprisoned for not more than one year, or both.

New law amends the prior law penalties for the crime of illegal transfer of a firearm to a prohibited possessor to require, instead of authorize, the imposition of criminal penalties and to provide that the term of imprisonment shall be served with or without hard labor.

Existing law, pursuant to an order issued by the court, requires any person prohibited from possessing a firearm to transfer any firearm possessed by the person to the sheriff of the parish or to a third party.

New law requires persons convicted of any of the various specified felony crimes of violence, for which the person is prohibited from possessing a firearm under existing law, to transfer any firearms pursuant to the procedures set forth in existing law and new law.

With regard to the procedure by which firearms are transferred:

- (1) New law authorizes the sheriff to enter into an agreement with any other law enforcement agency to have that law enforcement agency assume the duties of the sheriff set forth in existing law and new law.
- (2) New law no longer requires the firearm information form to include the serial number of each firearm transferred, and instead requires the type of each firearm transferred to be stated on the form.
- (3) New law provides that the proof of transfer form shall contain the quantity of firearms transferred, but is not required to include identifying information about the firearms transferred.
- (4) New law requires the proof of transfer form to attest that the person is not currently in possession of firearms and is currently compliant with state and federal law, but prohibits the form from including the date on which the transfer occurred.
- (5) New law requires the proof of transfer form filed with the clerk of court to be maintained by the clerk of court under seal.
- (6) New law provides certain requirements for persons who are required to transfer firearms pursuant to existing law and

new law and who transfer or sell such firearms to a third party prior to the court's issuance of the order to transfer firearms and suspend a concealed handgun permit. In such cases, the person shall declare such sale or transfer in open court and shall, within ten days after the issuance of the order, execute a proof of transfer form to be filed with the clerk of court in the parish in which the order was issued. The proof of transfer form shall be maintained by the clerk of court under seal.

- (7) New law prohibits the inclusion of the transfer date on the firearm receipt prepared by the sheriff and on all records of transferred firearms kept by the sheriff.
- (8) New law provides that the failure to provide the information required by law relative to the transfer of firearms, and the failure to timely transfer firearms in accordance with the provisions of law, may be punished as contempt of court and may establish a rebuttable presumption of a violation of law provisions which prohibit the possession of firearms by persons convicted of certain felony crimes of violence, convicted of certain domestic abuse offenses, or subject to injunctions or orders relative to domestic abuse.
- (9) New law authorizes the district attorney or the person transferring his firearms to file a motion requiring the court to conduct a contradictory hearing to ensure that the person has complied with law.
- (10) When the person is no longer prohibited from possessing a firearm, new law requires all outstanding fees to be paid prior to the return of any firearms to the person.
- (11) New law provides a process by which the firearms may be forfeited to the sheriff if the outstanding fees are not paid or if the person does not seek return of the

firearms within one year of the prohibition from possessing a firearm.

- (12) New law provides that nothing in law prohibits a sheriff from obtaining a search warrant to test or examine any transferred firearm for the purpose of facilitating any criminal investigation or prosecution.
- (13) New law provides that any records held by the sheriff or any other law enforcement agency pursuant to the law in this regard shall be confidential and shall not be considered a public record.

Effective August 1, 2019.

(Amends R.S. 14:95.1.4, R.S. 44:4.1, and C.Cr.P. Arts. 1001, 1002, and 1003; Adds C.Cr.P. Arts. 1001.1, 1002.1, and 1003.1)

Criminal History Record Checks, Child Care Institutions, and Therapeutic Group Homes (Act 243)

Present law provides that the La. Bureau of Criminal Identification and Information (the Bureau) shall make available to the Dept. of Children and Family Services (DCFS) all criminal history record information related to foster and adoptive parent applicants.

New law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Present law provides that the Bureau shall facilitate national criminal history record checks on certain individuals as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody.

New law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or

supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

New law authorizes the La. Dept. of Health (LDH) to request in writing that the Bureau supply certain criminal history record information to ascertain whether certain persons have been arrested for, convicted of, or pled nolo contendere to, any criminal offense.

New law applies to the following persons:

- (1) Any person who owns, operates, or manages a licensed therapeutic group home.
- (2) Any person who has applied for a license to operate a therapeutic group home.
- (3) Any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home.
- (4) Any person who has applied to be employed or contracted by a therapeutic group home.
- (5) Any person who has applied to volunteer or intern with a therapeutic group home.

New law requires LDH to maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

New law provides that the costs of the criminal background check are the responsibility of the therapeutic group home.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587 and 587.1 and R.S. 44:4.1(B)(8); Adds R.S. 15:587.1.2 and R.S. 40:2008.10)

Individuals with Disabilities and Supported Employment Providers (Act 312)

Present law provides for the preference of goods manufactured or services performed by individuals with severe disabilities in state-operated and state-supported sheltered workshops, and establishes the exemption from competitive bidding requirements.

New law retains present law but changes the preference from individuals with severe disabilities to individuals with disabilities through supported employment providers. New law retains present law for exemptions from the competitive bidding requirement provided the goods and services are equal in quality and reasonable in the rate charged.

Present law provides for the creation of a council by the La. Department of Health (LDH) to coordinate and facilitate the provisions of present law, and provides the council with authority to designate and contract with a central nonprofit agency.

New law renames the council the "State Use Council for the Purchase of Goods and Services Provided by Individuals with Disabilities" and provides for the council to solicit and evaluate competitive sealed proposals at least every five years to designate and contract with a central nonprofit agency.

New law adds definitions for "individuals with disabilities" and "supported employment provider" and repeals certain definitions. New law provides for "supporting employment provider" to include "sheltered workshops" transitioning into a "supporting employment provider" for fiscal years 2019-2020 and 2020-2021.

Present law provides for sheriffs to place inmates in work release programs, including in sheltered workshops, and provides for tax credits and exemptions for sheltered workshops.

New law adds "supported employment providers" throughout present law.

Effective July 1, 2019.

(Amends R.S. 15:711 and 1111, R.S. 38:2261, R.S. 39:1594 and 1604.4, and R.S. 47:34, 287.749, 302, 305.38, 321, 321.1, 331, and 337.9; Repeals R.S. 23:3024 and 3025 and R.S. 39:1554(D)(1)(b))

Juvenile Detention (Act 147)

Present law requires all juvenile detention facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or public agency, to be licensed by the Dept. of Children and Family Services.

New law prohibits any juvenile detention facility from detaining a child who is alleged to have committed a delinquent act for any of a broad list of purposes or reasons, except when the child is charged with the commission of a serious offense or has a history of adjudications based on prior serious offenses.

New law provides that on and after July 1, 2020, a detention screening instrument shall be administered for any child placed in secure detention when taken into custody without a court order for alleged commission of a delinquent act.

New law requires the La. Juvenile Detention Alternatives Initiative Statewide Leadership collaborative (the JDAI Collaborative) to support the statewide implementation of detention screening instruments.

New law requires detention screening instruments to assess the child only to determine the child's risk to public safety while a current arrest is pending and the risk of failure to appear in court for the pending case.

New law requires the detention screening instrument to be selected from tools that are being utilized as of Jan. 1, 2019, by local jurisdictions in the state.

New law requires a copy of the completed detention screening instrument to be provided to the juvenile detention facility for any child who is admitted to its custody and requires the facility

to keep a record of the results of the instrument and other specified information.

Present law provides that a child may be taken into custody, without a court order or warrant, by a peace officer or probation officer if the officer has probable cause to believe that the child has committed a delinquent act.

New law adds that the officer, in lieu of taking the child into custody, may issue a verbal warning to the child.

Old law provided that if the child is taken into custody without a court order or warrant, the officer shall have the responsibility to either: (1) counsel and release the child to the care of his parents upon their written promise to bring the child to court at such time as may be fixed by the court, or (2) promptly escort the child to the appropriate facility.

If the child has been taken into custody for the commission of a felony-grade delinquent act or of a misdemeanor-grade delinquent act based upon an offense against the person of another, old law required the child to be taken to a juvenile detention center. For the commission of any other misdemeanor-grade delinquent act, old law required the child to be taken to either a shelter care facility or a juvenile detention center.

Old law provided that no judge shall order that a youth who is 13 years of age or older and who is taken into custody for a felony-grade delinquent act or for a misdemeanor-grade delinquent act based upon an offense against the person of another be placed in a shelter care facility.

Old law provided that no child under the age of 13 shall be detained in a juvenile detention center after being taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

New law amends old law as follows:

- (1) Beginning July 1, 2020, requires the detention screening instrument to be administered to the child prior to transportation of the child to the

appropriate place of detention or upon the child's arrival at the appropriate place of detention. If it cannot be completed at that time, new law provides that the instrument shall be completed as soon as possible after the child has been admitted into the detention center.

- (2) Requires the detention screening instrument to include consideration of certain factors including the child's current offense, history of prior delinquent acts, history of failure to appear, and history of being a runaway and any mitigating and aggravating circumstances.
- (3) If a child is detained after being taken into custody, requires the results of the detention screening instrument to be communicated to the court promptly upon its completion.
- (4) Authorizes, instead of requires, the child to be taken to a juvenile detention center for the commission of a felony-grade delinquent act or of a misdemeanor-grade delinquent act based upon an offense against the person of another.
- (5) Provides that for the commission of any other misdemeanor-grade delinquent act, the child may be taken to a juvenile detention center or shelter care facility or released to a parent or guardian upon the written promise of the parent or guardian to bring the child to court. If the child is not released to a parent or guardian, new law provides that a detention screening instrument shall be administered to the child.
- (6) Repeals the old law provision which provided that no judge shall order that a youth who is 13 years of age or older and who is taken into custody for a felony-grade delinquent act or for a misdemeanor-grade delinquent act based upon an offense against the person of another be placed in a shelter care facility.

Old law provided that as soon as practicable after a child is received by a juvenile detention center or shelter care facility, the court or a probation officer employed and authorized by the court, upon determining it to be appropriate, shall release the child to the care of his parents or other relatives upon their written promise to bring him to court at such times as may be fixed by the court.

New law amends old law to allow the court to authorize an individual or entity, who is not a probation officer, to make this determination.

New law authorizes each judicial district or parish to develop a program or programs, operated by a nonprofit or government entity, to serve as alternatives to secure detention of a child which shall be used only for a child taken into custody for the commission of a delinquent act who is not released. In this regard, new law:

- (1) Provides that funding may be provided by any source, including through a contract with the office of juvenile justice.
- (2) Provides that an alternative to detention program shall be considered a form of detention and the time for persons set forth in present law regarding the answering of a delinquency petition and for conducting an adjudication hearing shall apply unless waived by the child.
- (3) An authorized individual acting in good faith shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of a child's release to an alternative to detention program.

Present law provides that any person who is arrested for a felony or certain other specified offenses, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offenses, shall have a DNA sample drawn or taken at the same time he is fingerprinted pursuant to the booking procedure. Present law provides that this requirement shall also apply to a juvenile who is arrested for a specified offense

or adjudicated delinquent for the commission of a felony-grade delinquent act, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of a felony-grade delinquent act.

New law retains present law but adds that when a peace officer elects to issue a written summons to a person in lieu of arrest or to counsel and release a child, the peace officer is not required to draw or take a DNA sample from the person or child.

(Amends R.S. 15:1110 and Ch.C. Arts. 814, 815, and 817; Adds R.S. 15:609(A)(3) and Ch.C. Arts. 815.1 and 826(E))

Special School Transfer (Act 411)

Prior law provided for the Special School District (SSD) within the Dept. of Education (DOE), which includes the La. special schools and Special School Programs. Prior law designated the La. Special Education Center (LSEC) as a special school within the SSD.

New law provides for the transfer of the LSEC from the SSD within (DOE) to the La. Department of Health (LDH) and renames the center as the Central La. Supports and Services Center (CLSSC).

Prior law authorized LDH facility administrators to develop policies and procedures necessary for the operation of state developmental centers which provide developmental disabilities services.

New law provides that facility administrators shall make recommendations on policy and procedures to the secretary of LDH and that such policies and procedures shall not be implemented until approved by the secretary.

Effective upon signature of governor (June 20, 2019).

(Amends R.S. 17:43, 46, 81.9, 240, 348, 419.2, 421.4, 422.6, and 1945, R.S. 28:451.4, R.S. 39:98.3 and 362, and R.S. 49:121; adds R.S. 28:22.8(A)(4) and R.S. 36:259(C)(8))

Pharmacy Benefit Manager Licensing Law (Act 124)

Present law provides that pharmacy benefit managers must be licensed by the Louisiana Department of Insurance as third party administrators.

New law requires pharmacy benefit managers to be licensed by the Commissioner of Insurance, registered with the Louisiana secretary of state to do business in Louisiana, and, if the pharmacy benefit manager performs certain services identified in new law, permitting by the Louisiana Board of Pharmacy.

New law provides substantive requirements for obtaining and maintaining a license or permit to operate in Louisiana in order to protect the health, safety, and welfare of citizens, to regulate the practice of pharmacy and actions that threaten pharmacy access, and to regulate actions that impede medical decisions.

New law defines "maximum allowable cost list" and "spread pricing".

New law prohibits spread pricing in Louisiana unless the pharmacy benefit manager provides biannual notice to the policyholder of the aggregate amount of spread pricing charged by the pharmacy benefit manager during the notice period.

New law provides for creation of a pharmacy benefit manager monitoring advisory council and provides for membership, functions, and matters for the council to advise the commissioner of insurance and the board of pharmacy on relative to regulation of pharmacy benefit managers.

New law provides that the commissioner of insurance and board of pharmacy may utilize the expertise of the council to investigate complaints against pharmacy benefit managers.

New law establishes a duty to the beneficiaries of any pharmacy benefit management plan and to the entities that have entered into a contract with the pharmacy benefit manager. New law provides

that the duty imposed by new law does not create a separate or independent cause of action.

New law provides general licensing and permitting requirements.

New law prohibits "patient steering" to a pharmacy in which the pharmacy benefit manager has an ownership interest without making a written disclosure to the patient and informing them that they have the right to use an alternate pharmacy.

New law provides that the prohibition against "patient steering" does not apply to employers or other persons identified in new law that employ, own, operate, control, or contract directly with a pharmacy or pharmacist for the purpose of managing or controlling prescription costs.

New law provides a listing of acts or omissions that are deemed unfair and deceptive trade practices. New law provides that commission of any of the unfair and deceptive trade practices shall subject the pharmacy benefit manager to investigative actions by the Department of Insurance or board of pharmacy if the act is committed with such frequency that it indicates a general business practice. New law provides for remedies and penalties under the Unfair Trade Practices and Consumer Protection Law. New law provides that a claim under the Unfair Trade Practices and Consumer Protection Law does not provide a private right of action.

New law provides that nothing in new law shall be construed to interfere with or violate a consumer's right to know where the consumer may have access to the lowest cost drugs, whether a consumer is utilizing insurance or other third-party reimbursement or not.

New law provides that nothing in new law shall be construed to interfere with the requirement that consumers receive notice of changes to pharmacy networks, such as the inclusion of new pharmacies, or removal of existing pharmacies from networks.

New law provides for enforcement of the Pharmacy Benefit Manager Licensing Law. New

law authorizes the regulatory bodies to conduct random compliance audits and complaint investigations. New law requires a monthly report of opened complaints received against pharmacy benefit managers to be submitted to the Louisiana Department of Justice Consumer Affairs Division.

New law grants enforcement authority to the attorney general. New law provides for a review process, administrative hearing, administrative ruling, and penalties that may be assessed by the attorney general. New law provides for the decision of the attorney general to be appealable in accordance with the Louisiana Administrative Procedure Act.

New law provides that nothing in new law shall be construed as a limitation on the power of the attorney general to negotiate or enter into a stipulation or consent decree with a pharmacy benefit manager.

New law provides that the provisions of new law establishing the pharmacy benefit manager monitoring advisory council become effective August 1, 2019.

Effective July 1, 2020.

(Amends R.S. 22:1863; adds R.S. 22:1867, R.S. 37:1252-1254, and R.S. 40:2861-2871)

Boards and Funds Abolished (Act 434)

New law provides for the abolition of certain boards, commissions, authorities, like entities, and related funds and abolishes the powers, functions, duties, and responsibilities of such entities, and removes references and related provisions all as follows:

New law repeals the Witness Protection Services Act and abolishes the Witness Protection Services Board.

New law repeals prior law that provided for the Workforce and Innovation for a Stronger Economy Strategic Planning Council and Workforce and Innovation for a Stronger Economy Fund. New law directs the state

treasurer to transfer any unencumbered balance remaining in the fund to the state general fund after satisfying appropriations for FY 2018-2019.

New law repeals the prior law that provided for the Advisory Committee on Equal Opportunity.

New law repeals the prior law that provided for the Louisiana State Transportation Infrastructure Fund. New law provides that allocation of revenues to the La. State Transportation Infrastructure Fund shall be dedicated to the Transportation Trust Fund to be used exclusively for final design and construction and not for studies.

New law repeals the prior law that provided for the Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force.

New law provides that the property and funds, if any, of the entities or funds abolished by new law that are not otherwise transferred by new law shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Funds as provided by law.

Effective June 30, 2019.

(Amends R.S. 39:100.116(A)(13), R.S. 44:4.1(B)(8), and R.S. 48:77(B)(3); Repeals R.S. 15:1601 - 1614, R.S. 17:3138.4, R.S. 22:31(A)(1) and 32, R.S. 36:4(O), 610(J), 686(C)(4), and 769(M), R.S. 48:81 - 90.1, R.S. 56:360.1 - 360.3, and Section 5 of Act No. 612 of the 2018 R.S.)

UNCODIFIED

Orleans Sales Tax on Hotels (Act 170)

Present law creates and provides for the La. Stadium and Exposition District, as a political subdivision of the state composed of all of the territory in the parishes of Orleans and Jefferson.

Present law authorizes the district to levy a hotel occupancy tax. Present law prohibits the district from levying the hotel occupancy tax until the

governing authorities of the city of New Orleans and Jefferson Parish consent to the abatement of their local sales and use taxes.

Old law provided that the 2% state sales and use tax on hotel fees and rentals and all local sales and use taxes levied within the district prior to Nov. 8, 1966, are abated during the period that the hotel occupancy tax is levied.

New law removes all sales and use taxes that could have been levied by the city of New Orleans on hotels prior to Nov. 8, 1966, from the taxes that were abated, thereby restoring the city's authority to levy the sales and use tax on hotels beginning on July 1, 2019.

Effective July 1, 2019.

(Amends Art. XIV, §47(M)(third unnumbered Subparagraph) of the Const. of 1921)

State Government Operating Expenses (Act 10)

New law provides for the ordinary operating expenses of state government.

Effective July 1, 2019.

Capital Outlay Budget (Act 20)

New law provides for the capital outlay budget and program for FY 2019-2020, which provides for the funding of the capital outlays from the specified sources of monies in the specified amounts as follows:

Federal Funds	\$118,603,040
Coastal Protection and Restoration Fund	\$246,615,000
Natural Resources Restoration Trust Fund	\$137,000,000
Transportation Trust Fund (TTF) - Federal	\$685,623,446
Transportation Trust Fund (TTF) - Regular	\$152,546,344
Interest Earnings	\$5,000,000

Interagency Transfers	\$58,128,530
Misc. Statutory Dedications	\$39,298,000
General Fund (Direct) Non-Recurring	\$144,074,579
Fees and Self-Generated Revenues	\$143,335,700
Reappropriated Cash	\$4,655,195
Revenue Bonds	\$60,000,000

TOTAL CASH PORTION	\$1,794,879,834
---------------------------	------------------------

New law authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows:

Priority 1	\$767,258,413
Priority 2	\$302,448,422
Priority 5	\$1,343,077,180

TOTAL GENERAL OBLIGATIONS BONDS	\$2,412,784,015
--	------------------------

BONDS NRP/RBP	\$985,884
----------------------	------------------

GRAND TOTAL ALL MEANS OF FINANCING	\$4,208,649,733
---	------------------------

Effective upon signature of the governor (June 28, 2019).

Omnibus Bond Authorization Act (Act 30)

New law enacts the Omnibus Bond Authorization Act of 2019, which provides for the implementation of a five-year capital improvement program, provides for the repeal of certain prior bond authorizations, provides for new bond authorizations, provides for authorization and sale of such bonds by the State Bond Commission, and provides for related matters.

New law deems projects included in Section 1 of HB No. 2 of the 2019 R.S. with appropriations payable from General Obligation Bonds or State General Fund (Direct) Non-Recurring Revenues to have until June 15, 2019, to submit capital outlay budget request applications. If the project application is submitted by that date, the project is deemed to have complied with late approval requirements in existing law.

New law provides that capital outlay budget requests and supporting documents for projects which did not meet the Nov. 1, 2018, application deadline that comply with the provisions of new law shall be deemed to be in compliance with existing constitutional requirements regarding feasibility studies.

New law provides that State General Fund (Direct) Non-Recurring-Revenues that have been appropriated for any project in the capital outlay bill that is not funded as a result of not complying with the application and notice deadline revert to the Highway Priority Program.

Effective upon signature of governor (June 28, 2019).

Building Naming (Act 32)

New law names a building.

Effective upon signature of the governor or lapse of time for gubernatorial action.

Highway Namings (Acts 26, 38, 39, 94, 113, 217, and 368)

New laws name various highways.

Effective various dates.

State Government Ancillary Expenses Appropriation (Act 40)

New law provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies. New law requires the appropriated funds, to the extent

deposited, unless otherwise specified, to be used for working capital in the conduct of business enterprises rendering public, auxiliary, and interagency services. New law requires all funds to be expended in accordance with public bid laws.

New law requires, except as otherwise provided, any fund equity resulting from prior year operations be included as a resource of the fund from which it is derived. New law provides that all funds on deposit with the state treasury at the close of the fiscal year are authorized to be transferred to each fund as equity for FY 2020-2021. New law provides that all unexpended cash balances as of June 30, 2020, shall be remitted to the state treasurer on or before Aug. 14, 2020. Further provides that if not reestablished in the subsequent year's act, the agency must liquidate all assets and return all advances no later than Aug. 14, 2020.

New law provides that all money from federal, interagency, statutory dedications, or self-generated revenues of an agency be deemed available for expenditures in the amounts appropriated, and any increase in such revenues over the amounts appropriated shall only be available for expenditure by the agency with approval of the division of administration and the Joint Legislative Committee on the Budget (JLCB).

New law provides that the number of employees approved for each agency may be increased by the commissioner of administration, subject to JLCB approval, when appropriate documentation is deemed valid.

New law requires any agency with an appropriation level of \$30 million or more to include positions within its table of organization that perform internal auditing services, including the position of a chief audit executive responsible for adhering to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing.

New law directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget

Supporting Document to reflect the funds appropriated and to report such adjustments to the JLCB by Aug. 15, 2019.

New law authorizes the commissioner of administration to transfer functions, positions, assets, and funds between and within departments in conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program or budget unit's information technology resources, and procurement resources, in order to optimize resources and provide cost savings. New law does not apply to the Dept. of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General Appropriation Act.

New law provides \$622,396,761 of interagency transfers, \$1,602,873,060 of fees and self-generated revenues, and \$126,000,000 of statutory dedications to provide for the ancillary expenses of state government.

Effective July 1, 2019.

Supplemental Funding Appropriation (Act 50)

New law appropriates supplemental funding and provides for means of financing substitutions and other budgetary adjustments for Fiscal Year 2018-2019.

New law provides for net increases (decreases) as follows: State General Fund (Direct) by \$102,422,862; Interagency Transfers by (\$3,489,446); Fees & Selfgenerated Revenues by \$93,003,772; Statutory Dedications by \$15,537,051; and Federal Funds by \$57,686,413.

New law additionally appropriates \$30,805,321 of State General Fund (Direct) of nonrecurring revenue out of the surplus from Fiscal Year 2018-2019 for the Unfunded Accrued Liability in state retirement systems.

Effective upon signature of the governor or lapse of time for gubernatorial action.

Judicial Branch Appropriations (Act 60)

New law appropriates funds for FY 2019-2020 for expenses of the Louisiana Judiciary, including the supreme court, courts of appeal, district courts, Criminal Court of Orleans Parish, juvenile and family courts, and other courts.

New law appropriates funds for Fiscal Year 2019-2020 for the ordinary operating expenses of the judicial branch of government with total funding of \$183,157,699 from the following sources: \$163,523,924 out of the State General Fund (Direct); \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund; and \$9,392,850 from interagency transfers for Court Appointed Special Advocates and Drug Court. Appropriations from State General Fund (Direct) shall be reduced by \$9,742,980 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

Funding for the ordinary operating expenses of the judicial branch of government is provided in the original bill as follows:

	<u>FY 19 EOB</u>	<u>FY 20 Original</u>
Louisiana Supreme Court	\$72,472,954	\$79,272,980
Courts of Appeal	\$47,088,543	\$49,587,810
District Courts	\$38,846,138	\$38,985,461
Criminal Court, Parish of Orleans	\$6,330,464	\$6,570,787
Juvenile and Family Courts	\$2,523,339	\$2,523,339

	<u>FY 19 EOB</u>	<u>FY 20 Original</u>
Other Courts (Required by Statute)	\$3,157,241	\$3,157,241
Other Courts (Not Required by Statute)	\$675,187	\$739,228
Non- Judicial State Expenses	<u>\$2,070,853</u>	<u>\$2,070,853</u>
TOTAL	<u>\$173,164,719</u>	<u>\$182,907,699</u>

Effective July 1, 2019

Legislative Branch Appropriations (Act 70)

New law provides for the expenses of the legislature and legislative service agencies.

The original bill appropriates \$74,093,881 from the state general fund (direct) for FY 2019-2020 including the following:

House	of	\$28,998,300
Representatives		
Senate		\$21,764,598
Legislative Auditor		\$10,483,708
Legislative	Fiscal	\$3,158,849
Office		
Louisiana State Law		\$1,131,401
Institute		
Legislative Budgetary		<u>\$8,557,125</u>
Control Council		
Total state		<u>\$74,093,881</u>
general fund (direct)		

New law provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate.

New law provides the balance on July 2, 2019 of the fund created by Act 513, §13 of 2008 RS is appropriated to the Legislative Budgetary Control Council.

New law appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; and appropriates \$23,525,043 from the fund, which is authorized to be used for expenses of the auditor's office.

Appropriations from State General Fund (Direct) shall be reduced by \$11,620,925.00 pursuant to a plan adopted by the Legislative Budgetary Control Council.

Effective date July 1, 2019

Shrimp Promotion Funds (Act 87)

Present law establishes the Shrimp Marketing and Promotion Fund in the state treasury. The monies in the fund are derived from the sale of shrimp gear licenses and are to be used only for the development of promotion and marketing of La. shrimp.

Present law creates the Shrimp Trade Petition Account in the Conservation Fund. Monies in the account are derived from additional fees levied in 2005 on the sale of shrimp gear licenses. The monies are to be used for promotion and protection of domestic wild-caught shrimp including expenses related to the petition filed by the Southern Shrimp Alliance in December 2003 for the imposition of antidumping tariffs.

New law requires the state treasurer to transfer any monies remaining in the Shrimp Trade Petition Account into the Shrimp Marketing and Promotion Fund to be used only for the purposes outlined in law for Shrimp Marketing and Promotion Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

Revenue Sharing Funds (Act 129)

Paragraphs (1) through (8) below contain no changes from FY 2018-2019 and restate the general provisions of last year's distribution.

- (1) New law provides for the annual allocation and distribution of the state revenue sharing fund in the amount of \$90,000,000 for FY 2019-2020. Each parish allocation is determined by the parish's percentage of the total state population (80% of the revenue sharing fund) and the parish's percentage of the total number of homesteads in the state (20% of the revenue sharing fund).
- (2) New law requires the state treasurer to remit the total parish allocation in three allotments no later than Dec. 1, March 15, and May 15, and further requires the sheriff to distribute such funds to the tax recipient bodies within 15 days after receipt.
- (3) The constitution mandates payment, on a first priority basis from the parish allocation, of the sheriff's commission, retirement systems' deductions, and reimbursement to eligible tax recipient bodies for ad valorem taxes lost as a result of the homestead exemption; any monies remaining in the parish allocation after such payments are made are referred to as "excess funds" and are distributed on the basis of a local formula contained in the Act.
- (4) New law provides that in any parish which had excess funds in 1977, except East Carroll, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased from 1977 to 2018. New law prohibits participation of new millages levied after Jan. 1, 1978, unless authorized to participate on the same pro rata basis by the local legislative delegation.

- (5) New law prohibits general obligation bond millages from participating in revenue sharing and restates the constitutional mandate that the issuing authority levy sufficient millage on all taxable property to pay annual debt requirements, and provides for certain exceptions.
- (6) New law requires that all local distribution authorities file with the state treasurer all information necessary for the computation and verification of amounts due the eligible taxing bodies, and provides that no funds shall be distributed prior to receipt of such information.
- (7) New law retains all prior authorized participations from Act No. 396 of the 2018 R.S. (Revenue Sharing Bill).
- (8) The population shall be determined by the LSU AgCenter, Department of Agricultural Economics and Agribusiness, under the most recent federal-state cooperative program for local population estimates.

There are no new millages for FY 2019-2020.

Effective August 1, 2019.

Lease of State Property (Act 152)

New law authorizes the lease of certain state property in Orleans and Jefferson parishes from the division of administration to the responsible offerer selected through a request for proposal developed and issued pursuant to a cooperative endeavor agreement between the state, Orleans Parish, and Jefferson Parish.

New law may apply to more than one responsible offerer if the cooperative endeavor agreement provides for dividing the property into multiple leases.

New law provides for the reservation of mineral rights to the state.

Effective upon signature of governor or lapse of time for gubernatorial action.

Transfer of State Property (Act 342)

New law authorizes La. Dept. of Health to sell or transfer certain state property in Vernon Parish to the Museum of America's Training Ground, Inc.

Effective August 1, 2019

Who Dat Signs (Act 368)

New law requires DOTD to add "Home of the Who Dat Nation" signs to Louisiana welcome signs on I-10 in Louisiana at the Texas and Mississippi State Lines and in downtown New Orleans at the exit to the Superdome.

Effective August 1, 2019.

State Property Transfer (Act 428)

New law authorizes the transfer or lease of certain state property in Rapides Parish from the division of administration to the St. Mary's Residential Training School.

Effective upon signature of governor or lapse of time for gubernatorial action.

TITLE 1: GENERAL PROVISIONS

Public School Holidays (Act 316)

New law provides that the first Tuesday after the first Monday in Nov. in even-numbered years (the date for congressional primary elections) shall be a holiday for public schools in any parish where the parish governing authority has established a polling place at a public school.

(Adds R.S. 1:55(A)(8))

TITLE 2: AERONAUTICS

TITLE 3: AGRICULTURE AND FORESTRY

Louisiana Strawberry Marketing Board (Act 140)

Present law creates the La. Strawberry Marketing Board.

New law removes as one of the members the agricultural chemical dealer, representative, or consultant with knowledge of the strawberry industry appointment.

New law allows the resident coordinator of the LSU Agriculture Experiment Station at Hammond to appoint a designee.

(Amends R.S. 3:730.3(B))

Boll Weevil Eradication Fund (Act 185)

Prior law provided for a voluntary assessment on cotton producers to offset the cost of boll weevil suppression or eradication programs, including but not limited to all costs of any regulatory and enforcement activities of the department. New law repeals prior law.

Prior law created the Boll Weevil Eradication Fund within the state treasury and provided for the disposition of all assessments, fees, penalties, and other funds. New law repeals prior law.

New law provides that any monies remaining in the Boll Weevil Eradication Fund shall be transferred to the Horticulture and Quarantine Fund. New law provides that all fees, penalties, and other funds received pursuant to prior law shall be deposited into the Horticulture and Quarantine Fund.

Prior law subjected cotton producers to a per acre penalty for failure to pay assessments levied under prior law. New law repeals prior law.

Prior law required the commissioner to place a lien on cotton, or its proceeds, for the payment of assessments and further authorized the commissioner to issue executions for the

collections of such assessments. New law repeals prior law.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 3:1604, 1604.1, 1609, and 1612; adds R.S. 3:1612.1; repeals R.S. 3:1603(2), 1604.1, 1613-1617)

Animal Shelters and Research (Act 383)

Present law establishes minimum requirements for animal shelters, including restrictions on euthanasia.

New law adds requirements for animal shelters that sell dead animals to facilities for research purposes to notify persons turning over animals, by posting a conspicuous sign in the shelter and including the notification on owner surrender forms.

New law prohibits an animal shelter from euthanizing an animal for the sole purpose of transferring the carcass for research.

New law prohibits an animal shelter or other person that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or transferring a living animal to a research facility, biological supply facility, animal dealer, or other person for the purpose of research or experimentation, except for instructional purposes.

New law allows living animals to be transferred for the purpose of necessary spay and neuter surgeries.

New law authorizes a research facility to work with an animal shelter to investigate problems and provide services to shelter animals.

New law specifies that any person who violates new law will be fined not more than \$1,000 for each separate act of violation.

(Amends R.S. 3:2462; Adds R.S. 3:2466)

Livestock Daily Boarding Fee (Act 250)

Present law authorizes state police, sheriffs, deputy sheriffs, constables, and justices of the peace to impound livestock found roaming at large on specific state highways where it is prohibited by the state.

Present law requires the owner or manager of the livestock to pay state police or the officer impounding the livestock a fee of \$20 per head of livestock, a daily rate of \$2 per animal to cover feeding and care costs, and the cost of any necessary veterinary and advertisement fees incurred.

New law removes the \$2 per animal daily rate and establishes a \$10 daily boarding fee for each animal.

Present law authorizes sheriffs, deputy sheriffs, constables, justices of the peace, and other persons to impound livestock roaming at large on a state highway in a ward of a parish where it has been prohibited by a local option election.

Present law requires the owner of the livestock to pay the officer or person impounding the livestock a fee of \$10 for each head of livestock taken and a daily rate of \$2 per animal to cover feeding and care costs.

New law removes the \$2 per animal daily rate and establishes a \$10 daily boarding fee for each animal.

Present law requires the owner of livestock in Vermilion Parish to pay the officer or person impounding the livestock a fee of \$100 for the first head of livestock and \$20 per head for each additional head of livestock if the officer secures the livestock and a daily rate of \$3 per animal to cover feeding and care costs.

New law removes the \$3 per animal daily rate and establishes a \$10 daily boarding fee for each animal.

(Amends R.S. 3:2804(B) and 3004(B))

Louisiana Agricultural Commodities Commission (Act 352)

New law changes the composition and voting threshold of the commission.

(Amends R.S. 3:3403)

Right to Farm Law (Act 353)

Present law provides that owners of agricultural land need to be protected from further diminution of value caused by governmental entities. New law clarifies that agricultural land includes forest and timber land.

Present law specifies that agricultural operations need to be protected from any nuisance actions. New law clarifies that agricultural operations include forest and timber operations.

(Amends R.S. 3:3601(B)(2) and (3))

Purchases of Forest Products (Act 218)

Prior law required a person who acquired forest products to pay the landowner in full within 30 days of receipt of payment for selling the products. New law restores prior law.

Prior law required the landowner to send written notice demanding payment after the 30-day window and allowed the offender 10 additional days to make the payment in full before facing criminal penalties. New law restores prior law.

Prior law provided that the criminal penalties are dependent upon the value of forest products the offender took without paying the landowner. New law restores prior law.

New law changes the designation of prior law from Title 14 to Title 3 to include new law with other forestry protection provisions.

New law makes a modification to prior law by changing references to the phrase "person who acquires" and the terms "offender" and "buyer" to "harvester" and adds a definition for "harvester".

Prior law provided that when the buyer violated prior law by a number of distinct acts, the aggregate of the amount of the forest products determined the grade of the violation. New law does not restore prior law.

(Adds R.S. 3:4278.4)

Louisiana Weights and Measures Law (Act 337)

Prior law exempted the sale of shelled field corn from the La. Weights and Measures Law if the net weight of the shelled field corn is verified by a National Type Evaluation Program (NTEP) certified scale prior to distribution of the shelled field corn.

New law exempts the sale of an aggregate of 20,000 bushels or less per year of shelled field corn made directly from a producer to a purchaser from the La. Weights and Measures Law.

New law exempts the sale of an aggregate of more than 20,000 bushels per year of shelled field corn if the net weight of the shelled field corn is verified by a National Type Evaluation Program (NTEP) certified scale prior to distribution of the shelled field corn.

Effective August 1, 2019.

(Amends R.S. 3:4623(C))

Truth in Labeling of Agricultural Products Act (Act 273)

New law has the purpose of protecting consumers from misleading and false labeling of agricultural products that are edible by humans.

New law provides for the following definitions:

- (1) "Agricultural product" means any beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, meat, sugar, or rice product that is edible by humans.
- (2) "Beef" means the flesh of a domesticated bovine that is edible by humans.

- (3) "Beef product" means a type of agricultural product that is edible by humans and produced in whole or in part from beef, including beef jerky, beef patties, chopped beef, fabricated steak, hamburger, ground beef, ribs, and roast.
 - (4) "Cell cultured food product" means any cultured animal tissue produced from in vitro animal cell cultures outside of the organism from which it is derived.
 - (5) "Commissioner" means the commissioner of agriculture and forestry.
 - (6) "Deceptively similar" means misleading to a reasonable person.
 - (7) "Label" means a display of written, printed, or graphic matter upon or affixed to the container or wrapper in which an agricultural product is offered for direct retail sale.
 - (8) "Labeling" means the act of identifying, describing, or advertising an agricultural product by means of a label or through other means.
 - (9) "Meat" means a portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is edible by humans but does not include a (a) synthetic product derived from a plant, insect, or other source, or (b) cell cultured food product grown in a laboratory from animal cells.
 - (10) "Meat product" means a type of agricultural product that is edible by humans and made wholly or in part from meat or another portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.
 - (11) "Misbrand" means to intentionally identify or label an agricultural product in a false or misleading way.
 - (12) "Misrepresent" means to intentionally use any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.
 - (13) "Person" means an individual, partnership, limited liability company, limited liability partnership, corporation, trust, firm, company, or other entity doing business in Louisiana.
 - (14) "Pork" means the flesh of a domesticated swine that is edible by humans.
 - (15) "Pork product" means a type of agricultural product that is edible by humans and produced in whole or in part from pork, including bacon, bratwurst, ground pork, ham, pork chops, ribs, roast, and sausage.
 - (16) "Poultry" means domesticated birds that are edible by humans.
 - (17) "Rice" means the whole or broken kernels obtained from the species *Oryza sativa* L. or *Oryza glaberrima*, or wild rice, which is obtained from one of the four species of grasses from the genus *Zizania* or *Porteresia*.
- New law applies to a person that places a label on an agricultural product that is edible by humans.
- New law prohibits intentionally misbranding or misrepresenting an agricultural product through any activity including:
- (1) Affixing a label to an agricultural product that is false or misleading.
 - (2) Selling an agricultural product under the name of another food.
 - (3) Representing an agricultural product as a food for which a definition and standard of identity has been provided by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq., unless:

- (a) The agricultural product conforms to the definition and standard.
- (b) The label of the agricultural product bears the name of the food specified in the definition and standard and includes the common names of optional ingredients other than spices, flavoring, and coloring present in the food as regulations require.
- (4) Representing an agricultural product as meat or a meat product when the agricultural product is not derived from a harvested beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.
- (5) Representing an agricultural product as rice when the agricultural product is not rice.
- (6) Representing an agricultural product as beef or a beef product when the agricultural product is not derived from a domesticated bovine.
- (7) Representing an agricultural product as pork or a pork product when the agricultural product is not derived from a domesticated swine.
- (8) Representing an agricultural product as poultry when the agricultural product is not derived from domesticated birds.
- (9) Utilizing a term that is the same as or deceptively similar to a term that has been used or defined historically in reference to a specific agricultural product.
- (10) Affixing a label that uses a variation of rice in the name of the agricultural product when the agricultural product is not rice or derived from rice.

- (11) Representing a cell cultured food product as a meat product.
- (12) Representing an agricultural product as sugar when it is not an unaltered plant-based simple sugar or sucrose.

New law requires the commissioner to administer and enforce the provisions of new law.

New law authorizes the commissioner to: (1) employ personnel to enforce the provisions of new law, (2) receive and investigate complaints, (3) seek and obtain injunctive or other civil relief to restrain and prevent violations of proposed law, and (4) institute civil proceedings to enforce his rulings or collect any penalties due.

New law provides for a civil penalty of not more than \$500 for violations. Each day on which a violation occurs is a separate offense.

New law authorizes penalties to be assessed by a ruling of the commissioner based upon an adjudicatory hearing held by the La. Commission of Weights and Measures. New law authorizes the commissioner to assess the proportionate costs of the adjudicatory hearing against the offender.

New law authorizes the commissioner to institute civil proceedings to enforce his rulings or seek injunctive relief to restrain and prevent the violation of the provisions of new law.

Effective October 1, 2020.

(Adds R.S. 3:4741- 4746)

TITLE 4: AMUSEMENTS AND SPORTS

Horse Racing Purse Distribution (Act 328)

Present law requires monies due as purses to persons licensed to race horses at race meetings conducted in the state as a result of conditions outlined in present law and monies due to the Horsemen's Benevolent and Protective Association (association) pursuant to present law to be allocated and distributed during the race meeting at which earned. New law adds a

provision including any donations by the association for horse aftercare.

Old law provided that in the event the amount distributed as purses to persons licensed to race horses at race meetings conducted in the state is less than the amount required by old law, and more than an amount equal to the average daily purse distribution at the race meeting at which generated, it shall be delivered to the association for further distribution to persons having earned monies during the meeting, in accordance with old law. New law makes old law applicable only to thoroughbred race meetings.

New law changes the condition that the amount be equal to the average daily purse distribution at the race meeting at which generated, from an amount equal to the daily average purse distribution to an amount equal to two times the average daily purse distribution.

Present law provides that in the event the underpayment is less than an amount equal to the average daily purse distribution at that meeting, it shall be retained by the association in an interest bearing account to be used for purses at the next meeting conducted by that association.

New law changes the condition that the underpayment be less than an amount equal to the average daily purse distribution at that meeting, from an amount equal to the average daily purse distribution to an amount equal to two times the average daily purse distribution.

New law specifies that the underpayment retained by the association in an interest bearing account be used for purses at the next thoroughbred meeting.

New law provides that in the event the underpayment is less than an amount equal to two times the average daily purse distribution at that meeting, it shall be retained by the association in an interest bearing account to be used for purses at the next quarter horse meeting conducted by that association. New law requires interest earned on the account to be added to the purse paid over and above the amount required to be paid as purses by old law.

Old law provided that the provisions of old law shall apply only to thoroughbred race meetings at any facility subject to the provisions of present law. For such facilities, in the event the amount distributed as purses to persons licensed to race horses at thoroughbred race meetings conducted in the state is less than the amount required by present law, and more than an amount equal to two times the average daily purse distribution at the race meeting at which such amount is generated, it shall be delivered to the association for further distribution to persons having earned monies during the meeting, in the direct proportion that the underpayment is to the monies earned by that person at that meeting. New law repeals old law.

Old law provided that in the event the underpayment is less than an amount equal to two times the average daily purse distribution at that meeting, it shall be retained by the association in an interest-bearing account to be used for purses at the next thoroughbred race meeting conducted by that association. Interest earned on the account shall be added to the purse paid over and above the amount required to be paid as purses by old law. New law repeals old law.

New law provides that in the event the amount distributed as purses to persons licensed to race horses at quarter horse race meetings conducted in the state is less than the amount required by present law and more than an amount equal to two times the average daily purse distribution at the quarter horse race meeting at which generated, it shall be delivered to the association for further distribution to persons having earned monies during the meeting, in the direct proportion that the underpayment is to the monies earned by that person at that meeting.

New law provides that in the event the underpayment is less than an amount equal to two times the average daily purse distribution at that meeting, it shall be retained by the association in an interest bearing account to be used for purses at the next quarter horse meeting conducted by that association. New law requires interest earned on the account to be added to the purse paid over and above the amount required to be paid as purses by present law.

(Amends R.S. 4:183(B); Adds R.S. 3:2438.1)

Horse Racing (Act 221)

New law adds the requirement that monies generated from donations to the horse aftercare reserves administered by the representatives of horsemen in the state must be authorized for withdrawals and disbursement from the Horsemen's Bookkeeper Account.

New law requires that the horse aftercare reserves be managed by the representative of the horsemen in the state.

New law requires the horse aftercare reserves be funded by donation and, in part, by a \$5.00 automatic donation per start.

New law allows the \$5.00 automatic donation per start to be withdrawn or opted out of by written notification to the representative of horsemen in the state.

(Amends R.S. 4:185(B)(3); Adds R.S. 3:2438.1)

TITLE 5: AUCTIONS AND AUCTIONEERS

TITLE 6: BANKS AND BANKING

OFI Criminal Background Checks (Act 13)

New law provides that the authority of the commissioner of the Office of Financial Institutions to obtain criminal history record information applies to various categories of financial institutions.

Old law allowed the fingerprints of an applicant for registration as an investment adviser representative to be submitted through any licensing system authorized by the commissioner. New law repeals old law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 51:703(D)(5)(b); Adds R.S. 6:121.2(F))

State Banks and Immovable Property (Act 348)

Prior law provided generally that, with certain exceptions, a state bank shall not hold immovable property as an asset for longer than 10 years.

New law adds exceptions of immovable property held by a state bank for more than five years as of Jan. 1, 1980, and immovable property that may be held in perpetuity if it is not being operated by the financial institution as an ongoing business, has been written down to the value of one dollar on the books of the bank, and has been transferred into a subsidiary of the bank.

New law requires that for certain property, a state bank shall obtain, within a reasonable time before or after the property is acquired, a current appraisal of the fair market value of any such property and shall account for the property in accordance with generally accepted accounting principles.

New law provides that the bank may perform an evaluation in lieu of an appraisal for residential real estate valued at or below \$250,000 and for commercial real estate valued at or below \$500,000. New law provides for additional appraisals or evaluation every three years, and for certain additional appraisals for commercial immovable property valued above \$500,000.

New law provides circumstances under which the commissioner may require additional appraisal or evaluations.

New law provides that certain property held in perpetuity is exempt from certain valuation requirements.

Prior law provided that a state bank shall obtain annually, within a reasonable time as determined by the commissioner, from a qualified appraiser a current appraisal of the fair market value of immovable property valued at an amount greater than \$250,000, and shall account for the property in accordance with GAAP. For property valued at less than \$250,000, prior law provided that a state bank shall annually perform an adequate evaluation of such property. Prior law provided

that the commissioner may require a state bank to obtain an appraisal by a qualified appraiser of a piece of property valued at less than \$250,000, if it is necessary for safety and soundness reasons. New law deletes these prior law provisions.

Effective August 1, 2019.

(Amends R.S. 6:243)

Credit Unions (Act 188)

Present law provides procedures for banks relative to abandoned safety deposit boxes. New law adds that federally insured credit unions shall follow the same procedures for abandoned safety deposit boxes.

Old law provided that upon the death of a depositor who dies without a will, along with an affidavit establishing jurisdiction and relationship, a depository financial institution may transfer deposits to a surviving spouse or heirs, if the total aggregate amount on deposit is \$20,000 or less. New law removes the \$20,000 cap on deposit and provides that payout shall not exceed \$20,000.

Present law provides that members may, by a two-thirds vote of those present, expel any member from a credit union for cause.

Old law provided that a member may withdraw from a credit union by filing a written notice of his intention.

New law allows a credit union to expel a member for cause without a meeting of the members, pursuant to a written policy adopted by the board of directors.

New law defines cause as conduct by the offending member that caused a loss to the credit union, violated the membership agreement or any policy or procedure adopted by the board of directors, or exhibited inappropriate behavior such as physical or verbal abuse of other credit union members or staff.

New law provides that an expelled member has the right to file a written request of reconsideration.

Effective August 1, 2019.

(Amends R.S. 6:315.1(A) and 659; adds R.S. 6:659.2)

Bank Disclosure of Financial Records (Act 34)

Present law allows a bank or any affiliate to disclose financial records obtained pursuant to certain provisions of present law. New law adds financial records obtained pursuant to a search warrant issued in accordance with present law.

(Amends R.S. 6:333(F)(11))

Use of "Trust" in an Entity Name (Act 190)

Present law prohibits any person other than a licensed financial institution from using the word "bank", "banker", "trust", "trustee", "trust company", or any other word of similar import as part of its name or title, with limited exceptions.

New law further permits the use of the word "trust", "trustee", "trust company" or any other word of similar import as part of a name or title in a context clearly not purporting to refer to engaging in a general trust, trustee, or trust company business.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 6:412(D))

State Banks, Subsidiaries, and Immovable Property (Act 16)

Present law allows a state bank to hold immovable property in perpetuity, exempt from the divestiture requirements in present law, if all of the following conditions are met:

- (1) The property is not being operated by the financial institution as an ongoing business.

- (2) The property has been written down to the value of one dollar on the books of the bank.
- (3) The property has been transferred into a subsidiary of the bank.

New law adds the condition that written approval has been obtained from commissioner.

New law provides that a state bank may, through a wholly-owned operating subsidiary, conduct any activity or make any investment that a state bank is authorized to conduct or make under present law.

New law requires a state bank that establishes a subsidiary to provide the commissioner written notice within the 30 days following the establishment of the subsidiary or commencement of the new activity in the subsidiary.

New law requires a state bank to obtain written approval from the commissioner in order to conduct any activity through the subsidiary, with exceptions.

New law is applicable to associations and savings banks in the same manner as to banks.

(Amends R.S. 6:822(3)(d) and 1229.1; Adds R.S. 6:243(C)(1)(d) and 246)

TITLE 7: BILLS AND NOTES

TITLE 8: CEMETERIES

Murder Suspects and Decedents' Remains (Act 4)

New law prohibits a person from controlling the disposition of the remains of a decedent, or from having the right to cremate a decedent, when a warrant or judicial determination of probable cause has been issued for his arrest for first degree murder, second degree murder, or manslaughter for the death of the decedent.

(Amends R.S. 8:655(A)(intro. para.); Adds R.S. 8:655(F) and R.S. 37:876(H))

TITLE 9: CIVIL CODE ANCILLARIES

Berwick Reversion Rights (Act 8)

Old law provided that monetary funds paid by the town of Berwick into the registry of the court for the expropriation of property which would otherwise be deemed abandoned pursuant to R.S. 9:154, and which monetary funds have not been claimed for at least 12 years, shall revert to being funds of the town of Berwick.

New law changes the period of abandonment from 12 years to 5 years, and applies to funds held by either the administrator or the court.

(Amends R.S. 9:154.1(A))

Unclaimed Property (Act 439)

Present law requires a deposit for each application for a going-out-of-business sale license and provides that upon failure of the licensee to return the going-out-of-business sale license, or an affidavit in lieu of the return, within 365 days from expiration of the license, the deposit reverts to the unclaimed property division of the Dept. of the Treasury in the name of the licensee and the consumer protection section of the Dept. of Justice.

New law adds that any deposits remaining in the consumer protection section which were received more than 365 calendar days prior to July 1, 2018, revert to the unclaimed property division of the Dept. of the Treasury in the name of the licensee and the consumer protection section.

New law provides that military medals and associated documents held in a safekeeping depository are presumed abandoned if they remain unclaimed for more than five years after expiration of the rental period on the depository.

New law requires medals and documents presumed abandoned pursuant to new law to be forwarded to the La. Dept. of Treasury, unclaimed property division.

New law specifies that the unclaimed property division may enter into an agreement with the La. Dept. of Veterans Affairs allowing the Dept. of Veterans Affairs to store and locate the owners for the return of the abandoned military medals and associated documents.

Effective July 1, 2019.

(Amends R.S. 9:155; adds R.S. 51:51(G))

Parenting Programs (Act 239)

Old law authorized courts to require parties in a custody or visitation proceeding to complete a court-approved seminar to educate the parties of the needs of children. Old law required such seminar to last between three and four hours and cost no more than \$25 per person.

New law authorizes courts to require the parties to complete the court-approved program only upon motion of a party, its own motion, or upon agreement of the parties and to render judgment for costs for the program.

New law qualifies evidence-based nonprofit programs as eligible programs, and removes the upper limitation on duration and cost of the program.

New law prohibits the program instructor from being called as a witness in the custody or visitation proceeding without prior court approval.

(Amends R.S. 9:306; Redesignates R.S. 9:306)

Condominiums and Insurance (Act 228)

Present law requires that condominium associations purchase property insurance on the common elements and units to insure against all risks of direct physical loss.

Present law also requires the association to purchase comprehensive general liability insurance covering all occurrences commonly insured against arising out of or in connection with use, ownership, or maintenance of the common elements.

Present law requires the association policy to provide that each unit owner is insured under the policy, that the association's insurer waives rights to subrogation against any unit owner, and that no act or omission by a unit owner will void the policy or be a condition to recovery. New law retains present law.

Present law provides that the association insurance policy does not prevent a unit owner from obtaining insurance for his own benefit. New law retains present law and provides that when a unit owner does purchase a policy and a loss is sustained, the association policy shall remain primary for the loss of common elements, structural elements and components, and fixtures and improvements of the condominium units, whereas the unit owner policy shall be responsible for betterments and improvements installed by the unit owner.

New law provides that betterments and improvements are upgrades that are of a higher quality than those originally constructed within the unit.

(Amends R.S. 9:1123.112(C))

Louisiana Structured Settlement Protection Act (Act 260)

New law provides relative to the registration and renewal of a structured settlement purchase company.

New law requires transferees to be registered as a structured settlement purchase company with the secretary of state, through a form prescribed by the secretary of state.

New law provides that a structured settlement purchase company shall renew its registration annually.

New law requires a \$50,000.00 security bond, letter of credit, or cash bond, payable to the state of Louisiana, to serve as a source of recovery for payees with a judgement against the company.

New law provides relative to prohibited acts by a transferee or structured settlement purchase

company and an employee or representative of a transferee or structured settlement purchase company.

New law provides that a payee may pursue a private action as a result of a violation of new law and a structured settlement purchase company may pursue a private action to enforce certain portions of new law. Such violation may result in the revocation or suspension of the registration of the structured settlement purchase company, as well as damages allowed by law.

New law provides that a transferee must provide evidence to the court that he is registered to do business in the state as a structured settlement purchase company. New law provides that the transferee must submit certain disclosures to the payee.

New law provides that a transfer order signed by a Louisiana court of competent jurisdiction in accordance with new law shall constitute a qualified order under federal law.

New law states that after July 1, 2020, a transfer order signed by a Louisiana court where the transferee is not a registered structured settlement purchase company shall not constitute a qualified order under federal law.

New law provides that no transfer of structured settlement payment rights shall be effective unless approved in a final court order. New law provides that the court must find that the transfer is in the best interest of payee, the payee has received independent professional advice regarding the transfer, and the transfer does not contravene any applicable statute, court order, or government authority.

New law provides for effects of a transfer of structured settlement payment rights. New law provides that transferee shall be liable to the structured settlement obligor and annuity issuer if transferee contravenes the terms of the structured settlement and for any other liability or costs arising out of compliance issues.

New law provides that annuity issuer and structured settlement obligor may not be required

to divide any periodic payment with payee and transferee.

New law provides that an application for transfer under new law shall be brought in a court of general jurisdiction in the parish where the payee is domiciled. If payee is not domiciled in this state the application may be brought in the court that approved the structured settlement agreement.

New law provides that all court costs associated with filing the application for approval of a transfer of structured settlement payment rights shall be paid by the transferee.

New law provides that a timely hearing shall be held for approval of a transfer of structured settlement payment rights. The payee shall be present at hearings unless good cause is shown.

New law provides that notice of the proposed transfer and application for authorization shall be served on all interested parties not less than 20 days prior to the scheduled hearing on any application of approval. New law specifies the contents of the notice.

New law may not be waived by any payee.

New law provides that all disputes on a transfer agreement signed in this state shall be litigated in this state.

New law provides that no transfer of structured settlement payment rights shall extend to any payments that are life contingent, unless certain criteria are met by the transferee.

New law repeals R.S. 9:2715, the old law providing relative to the transfer of structured settlement rights.

Effective July 1, 2020.

(Adds R.S. 9:2713-2713.9; repeals R.S. 9:2715)

Litter Abatement Programs and Liability (Act 36)

New law defines "community service litter abatement program" and "beautification and

maintenance projects", and provides that such a program may be established by ordinance of the governing authority of any parish or municipality.

New law provides that a person who volunteers to participate in the program shall not be deemed to be an employee of the program or of the parish or municipality establishing the program.

New law provides that a person who participates in the program shall have no cause of action for damages against the governing authority conducting the program or supervising the participants, nor against any employee or agent of the governing authority, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the governing authority or its employee or agent.

New law provides that the governing authority shall not be liable for any injury caused by an individual participating in the program unless the gross negligence or intentional act of the governing authority or its employee or agent was a substantial factor in causing the injury.

(Adds R.S. 9:2795.7)

Prescription and Peremption of Actions Against Real Estate Appraisers (Act 323)

New law provides that no action for damages against any real estate appraiser, appraisal management company, or real estate appraisal company, arising out of an engagement to perform real estate appraisal services, shall be brought unless filed within one year from the date of the act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered, but in all events such actions shall be filed at the latest within three years from the date of the act, omission, or neglect.

New law is remedial and applies to all causes of action without regard to the date when the alleged act, omission, or neglect occurred.

New law provides that the one-year period of limitation is prescriptive within the meaning of

Civil Code Art. 3447. New law provides that the three-year period of limitation is a preemptive period within the meaning of Civil Code Art. 3458 and, in accordance with Civil Code Art. 3461, may not be renounced, interrupted, or suspended.

New law provides that the prescriptive and preemptive periods in all actions shall be subject to the provisions of new law.

New law does not apply in cases of fraud, does not apply to any proceedings initiated by the La. Real Estate Appraisers Board, and does not apply to any action filed prior to January 1, 2020.

Effective January 1, 2020.

(Adds R.S. 9:5610)

TITLE 10: COMMERCIAL LAWS

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT

Firefighters' Retirement System (Act 91)

Present law provides that FRS utilize the entry age normal funding method for determining their actuarially required contributions. New law changes the FRS actuarial funding method from entry age normal to frozen initial liability.

Old law provided for a 30-year amortization of the unfunded accrued liability (UAL), commencing with Fiscal Year 1989-1990, with level dollar payments annually.

New law provides that the outstanding balance of the system's UAL, except unamortized merger bases, will be frozen and reamortized over 15 years with payments decreasing by 1% per year; and future gains and losses are included in the calculation of the normal cost through the frozen initial liability funding method.

New law defines accrued liability to mean the entry age normal accrued liability.

Present law provides that most statewide retirement systems use 15-year amortization schedules for actuarial gains and losses. Old law provided an exception for FRS, which is authorized to use 20-year amortization schedules for such gains and losses. However, old law provided for an annual reduction of such term until the 15-year amortization schedule is reached. New law repeals old law.

Effective July 1, 2019.

(Amends R.S. 11:22, 42, and 103; Adds R.S. 11:2252(24))

Firefighters and Police Retirement Systems (Act 288)

New law prohibits certain persons who withdraw from the Firefighters' Retirement System (FRS) or the Municipal Police Employees' Retirement System (MPERS) from rejoining the system.

Present law authorizes anyone who is employed by a parish, municipality, or fire protection district whose employees are also covered under the federal Social Security program to choose not to become a member of MPERS or FRS as applicable.

Present law requires a member who wishes to rejoin the system while employed by the same parish, municipality, or fire protection district to repay his refunded employee contributions with interest.

New law prohibits a person from rejoining FRS or MPERS while he is employed by the same employer or any other employer whose employees are covered under the federal Social Security program.

New law provides that an employee who chose not to be a member and who returns to work for an employer whose employees are not covered under the federal Social Security program may join or rejoin the system but may not purchase service credit for the period of time that he chose not to be a member.

New law authorizes the Dept. of Public Safety and Corrections, for purposes of membership verification, to provide FRS and MPERS with the name, address, and social security number of each recipient of state supplemental pay.

(Amends R.S. 11:157)

LASERS and Hazardous Duty Services (Act 289)

Present law establishes the Hazardous Duty Services Plan (hereafter Haz Duty Plan) within the La. State Employees' Retirement System (LASERS).

Retirement eligibility under the Haz Duty Plan is generally earlier than for other LASERS employees.

Present law establishes the proportion of health insurance premiums that most active and retired employees are to pay. Present law provides that the state shall pay a certain percentage of the premium and the employee or retiree shall pay the difference.

Old law required members who transferred into the Haz Duty Plan, and who retired under provisions that allowed them to collect a retirement benefit earlier than they otherwise would have, to pay an increased proportion of their health insurance premiums.

New law removes the requirement for the increased proportion and requires the health insurance premiums for these Haz Duty Plan members to be calculated according to R.S. 42:851.

Effective upon signature of governor or lapse of time for gubernatorial action; otherwise effective July 1, 2019.

(Amends R.S. 11:620(E))

LASERS and Hazardous Duty Services (Act 42)

Present law provides for the Hazardous Duty Services Plan at the Louisiana State Employees'

Retirement System (LASERS), commonly called the "Haz Plan".

Present law defines "members" for purposes of the Haz Plan, including employees of the Dept. of Agriculture and Forestry who respond to wildfires and who qualify as Firefighter Type 2 or higher according to the National Wildfire Coordinating Group.

New law substitutes general wildland firefighter training for the requirement of qualification as Firefighter Type 2 or higher according to the National Wildfire Coordinating Group.

Effective June 30, 2019.

(Amends R.S. 11:612(2)(m))

La. School Employees' Retirement System (Act 90)

Present law authorizes members of LSERS with a specified minimum number of years of service to withdraw from service and leave their contributions in the system and to begin receiving a retirement benefit upon reaching a specified age.

Old law authorized a member whose first employment making him eligible for membership in one of the state systems occurred on or after July 1, 2015, to exercise this option if he has credit for 10 or more years of service. New law authorizes such a member to exercise this option if he has credit for 5 or more years of service.

(Amends R.S. 11:1142(C))

State Retirement System Self-Directed Investment Accounts (Act 78)

State Police

Present law establishes the Back-Deferred Retirement Option Program (Back-DROP) within the Louisiana State Police Retirement System (Troopers).

Present law provides that (in addition to other benefits) a lump-sum shall be paid to each

member at retirement or placed in an individual account in liquid asset money market investments.

New law authorizes the board of trustees to enter a contract with a third-party provider to provide self-directed investment accounts for lump sums, and authorizes the member to transfer the member's lump sum to a self-directed account.

School Employees and Municipal Police

Present law relative to the Louisiana School Employees' Retirement System (LSERS) and the Municipal Police Employees' Retirement System (MPERS) provides for a Deferred Retirement Option Plan (DROP).

Present law allows the member to leave a lump-sum account with the system for investment.

Present law authorizes the system board to contract with a third-party provider to administer a self-directed investment program for these lump-sum accounts. New law changes the present law authorization to a mandate.

New law provides for transfer of certain accounts to a self-directed program. New law provides for all accounts not receiving earnings at the rate the system earns to be transferred to the Stable Value Fund of the self-directed program as soon as practicable after June 30, 2019. New law provides for participants with accounts that are receiving earnings at the rate the system earns to elect to transfer their accounts to the self-directed program.

New law specifies that all future lump-sum accounts shall be transferred to the Stable Value Fund of the self-directed program for investment.

New law, applicable to MPERS only, provides for compliance with the Internal Revenue Code regarding the distribution of DROP account funds after the death of the participant.

All Systems

For all three systems, new law provides waivers of liability that a self-directed plan or program

participant agrees to when he elects participation in such plan or program. Such waivers include:

- (1) that the benefits payable from the self-directed account are not the obligations of the state or the system.
- (2) that the participant and the selected third-party provider bear all liability and responsibility for returns and other rights under the account.
- (3) that the participant waives his constitutional guarantees of payment and protections against diminished or impaired benefits.
- (4) that the participant and the third-party provider bear all responsibility for complying with applicable I.R.S. provisions and regulations.
- (5) that the state and the system and all agents of the state and the system are not liable for choices the participant makes as to his investments.

Effective June 30, 2019.

(Amends R.S. 11:1152, 1312.1, 2220, and 2221; adds R.S. 11:1312.1 and 2221)

State Police Retirement System (Act 41)

Present law generally provides that a surviving spouse's benefit shall be forfeited upon the remarriage of the spouse, unless the remarriage occurs after the surviving spouse attains age 55. Or (effective June 11, 1999) the member was killed in the line of duty.

Present law applicable to employees hired on or after Jan. 1, 2011, requires the benefits that ceased upon remarriage to resume upon the death of or divorce from the new spouse.

New law retains present law and allows a surviving spouse of a member killed in the line of duty whose benefit was forfeited upon remarriage which occurred prior to June 11, 1999, to resume

receiving the survivor benefit upon the dissolution of the marriage by death or divorce.

New law provides that benefits shall be paid prospectively only.

Effective July 1, 2019.

(Amends R.S. 11:1316(C))

Municipal Employees Retirement System (Act 416)

Existing law provides for a reduction of retirement benefits when a Municipal Employees' Retirement System (MERS) retiree is reemployed part time and his monthly earnings exceed the difference between his monthly average final compensation and his monthly retirement benefit.

New law excludes the monthly earnings of certain part-time elected officials from the calculation used to determine any reduction in benefits for part-time work.

Existing law provides that the MERS board of trustees includes three elected officials. Prior law provided that an elected official could continue to serve his full term on the board of trustees if he ceased to hold the elective office which qualified him for the position.

New law provides that an elected official who no longer holds the elective office which qualified him for the position may not continue to serve his term as a trustee.

Effective upon signature of governor (June 20, 2019).

(Amends R.S. 11:1762 and 1821)

Parochial Employees' Retirement System of Louisiana (PERS) (Act 58)

New law provides for membership in PERS by a person employed by a public trust whose sole beneficiary is a parish.

(Amends R.S. 11:1903(A); Adds 11:1902(12)(e))

Sheriff's Fund Benefits (Act 77)

Present law authorizes the board of trustees of the Sheriffs' Pension and Relief Fund (Sheriffs') to grant permanent benefit increases (PBI) under certain circumstances.

Present law provides for one type of PBI, payable to all retirees, disability recipients, and survivors, and provides this type of PBI shall be in monthly installments of not less than 2% nor more than 3% of the normal monthly benefit, but in no case shall it be less than \$20 per month.

New law changes the amount that may be granted to no more than 2.5%, and provides that in no case shall any member receive in excess of 5% of the average monthly benefit in payment to service retirees.

New law authorizes the board of trustees to provide a second type of PBI to beneficiaries who are at least 65 years of age, in an amount equal to 2% of the monthly benefit.

New law restricts the board of trustees to granting only one type of PBI in any fiscal year.

Present law prohibits the board from granting a PBI if a PBI was granted the immediately preceding fiscal year.

Old law provided for waiting periods relative to age and time from retirement to be eligible for a PBI.

Old law provided for specifications relative to a PBI granted on June 30, 2007 (R.S. 11:2178(M)). New law repeals old law.

Effective June 30, 2019.

(Amends R.S. 11:2178; repeals R.S. 11:246(A)(7))

Municipal Police Employee's Retirement System (Act 92)

Present law provides that the average final compensation of a member of MPERS is based

off of his annual earned compensation, but does not include overtime.

New law allows for certain overtime payments made by the Baton Rouge Police Department (BRPD) to certain employees who are members of MPERS to be included in the calculation of average final compensation when the overtime payments were of the type on which BRPD was paying contributions to the system prior to Jan. 1, 2018.

New law requires the actuary for MPERS and an actuary hired by BRPD to agree, in writing, on the actuarial methodology to be used for the initial actuarial certification before the initial actuarial certification can be made.

New law requires MPERS and BRPD to mediate any disputes before legal action is commenced by either party.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds 11:2225(F))

Firefighters' Retirement System (Act 89)

Present law provides for optional benefit allowances for FRS members and designated beneficiaries, including providing for a beneficiary to receive retirement benefits after the death of the member.

Old law provided that an FRS member who was single at the time of retirement but who married and has been married for at least 12 months may select such a benefit option for his spouse. New law repeals old law.

(Repeals R.S. 11:2259(B))

Firefighters' Retirement System (Act 254)

Present law requires all applicants for enrollment in FRS to have a physical examination evidenced by a physical examination form prescribed by the system with certain exceptions by waiver.

New law establishes the governing standard of physical evaluations required for membership in the system and provides for employer certification of employee compliance with new law.

New law authorizes the system's board of trustees to waive the requirements of new law.

(Amends R.S. 11:2270(A))

Bossier City Police Fund Investments (Act 22)

New law provides that the Bossier City Policemen's Pension and Relief Fund board of trustees may invest the permanent fund according to the provisions of present law applicable to the investments of political subdivisions of the state.

Effective June 30, 2019.

(Amends R.S. 11:3509)

TITLE 12: CORPORATIONS AND ASSOCIATIONS

TITLE 13: COURTS AND JUDICIAL PROCEDURE

Judicial Compensation (Act 178)

New law provides that the actual salary of the judges of the supreme courts, courts of appeal, and district courts shall be increased by 2.5% on July 1st of 2019, 2020, 2021, 2022, and 2023.

New law provides that the state-paid salary of city court and parish court judges shall be increased by 2.5% on July 1st of 2019, 2020, 2021, 2022, and 2023.

New law provides that such increases shall be contingent upon approval prior to each July first by the Louisiana Supreme Court and the Louisiana Judicial Budgetary Control Board, after each determines that the judiciary has sufficient funding from the state and other sources to fund the salary increases prior to approving the increases.

New law provides that any salary increase authorized pursuant to new law for 2020 shall be funded by the judiciary.

New law provides that effective July 1, 2020, any local or state official eligible for compensation under prior law concerning compensation for sheriffs shall not be eligible for a salary increase pursuant to the new law for the same fiscal year.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 13:50)

14th JDC Magistrate Judge (Act 211)

New law provides for the creation of the magistrate judge of the 14th JDC, to be elected from election sections one and three combined.

New law provides that the salary of this position shall be equal to 75 percent of the salary paid to judges of the 14th JDC.

New law provides that the magistrate judge shall have jurisdiction over all criminal matters, except the adjudication of felony charges.

New law provides that the judgeship shall be established on Jan. 1, 2021, but allows candidates to qualify for office and participate in the regularly scheduled election in 2020.

New law provides that the magistrate judge shall serve for a term of six years, the position shall be full-time, and the magistrate judge is prohibited from practicing law.

New law requires the magistrate judge to possess the same qualifications of a district court judge as outlined in La. Const. Art. V, §24.

Effective August 1, 2019.

(Adds R.S. 13:589)

State Agency Adoption (Act 320)

New law provides that the fee assessed by the clerk of court for the filing of a petition for a state agency adoption shall not exceed \$150.

New law defines "state agency adoption" as any adoption proceeding wherein the child to be adopted is in the legal custody of DCFS or the corresponding department of any other state.

New law limits the service of process fee to be assessed on behalf of the sheriff's office for state agency adoptions to \$30 per petition.

New law expressly waives all other fees and costs authorized to be assessed or collected by clerks of court in state agency adoptions notwithstanding any provision of law to the contrary.

Effective August 1, 2019.

(Adds R.S. 13:844.1)

Mayors' Courts (Act 302)

New law allows mayor's courts to collect fines, forfeitures, penalties, and costs. New law also authorizes mayor's courts to accept such payments via credit card or electronic check, and to collect a processing fee consistent with present law.

(Amends R.S. 13:1898(A) and (C))

Destruction of Eviction and Misdemeanor Records (Act 291)

New law makes applicable to all clerks of city courts in the state the following laws that were previously applicable only in a few cities:

- (1) New law authorizes the clerks of city courts to destroy records of judicial proceedings involving suits for eviction of tenants and occupants when such records have been deemed by the presiding judge or judges to have no further use or value. New law dictates that destruction of such records may only be destroyed when two years have elapsed from the last date of action on the record or records when the suit is not

appealed or two years have elapsed after all appeals are exhausted.

- (2) New law authorizes the clerks of city courts to destroy records of criminal proceedings involving misdemeanor convictions when such records have been deemed by the presiding judge or judges to have no further use or value. New law dictates that destruction of such records may only be destroyed when ten years have elapsed from the date of the judgement of conviction when the conviction is not appealed or two years have elapsed after all appeals are exhausted. New law does not apply to a conviction of operating a vehicle while intoxicated.

Existing law provides that destruction of certain misdemeanor conviction records may occur only after the clerk of court's office has scanned the records and stored them in an electronic format that is in compliance with all rules adopted by the Department of State relative to retention and storage of records.

New law retains existing law and adds an exception for digital imaging utilized and approved pursuant to existing law.

Effective August 1, 2019.

(Amends R.S. 13:1904(C), (D), and (E); Repeals R.S. 13:1904.1)

Baton Rouge City Court Probation Division (Act 379)

New law authorizes the clerk of court and judicial administrator of Baton Rouge City Court to commission Baton Rouge City Court probation officers.

New law provides that the Baton Rouge City Court Probation Division shall be recognized as a law enforcement agency.

New law requires probation officers to be P.O.S.T.-certified, and provides that, upon completion of such training, the officer shall be

considered a La. peace officer and a commissioned probation officer.

New law provides certain powers and authority of the probation officers, including the authority to arrest.

Effective August 1, 2019.

(Adds R.S. 13:2071.1)

First and Second Parish Courts of Jefferson Parish (Act 29)

New law provides that the \$15 cost assessed to a defendant shall be placed in the judicial expense fund associated with the court in which the defendant was adjudicated.

New law provides that the judges of each separate parish court shall determine how the judicial expense funds are administered.

New law provides that no firm, corporation, association, political subdivision and officers, or other entities shall access, disburse, invest, or use monies in either fund, unless expressly authorized by the judges of each fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:2562.22)

St. Tammany Parish Justice of the Peace Courts (Act 28)

New law provides that the justice of the peace courts in St. Tammany Parish shall have concurrent jurisdiction with district courts over property standards and nuisance violations except in Ward 9, which shall be prosecuted in City Court of Slidell, and in Ward 8, City Court of Slidell, and Ward 8 Justice of the Peace Court.

New law provides that the constable of the justice of the peace court in St. Tammany Parish or his deputy may, if authorized, act as a prosecutor to adjudicate property standards and nuisance violations.

New law provides that the justice of the peace courts and constable offices in St. Tammany Parish shall be reimbursed for handling property standards and nuisance violations.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 13:2586(C)(6), 2587.3, and 2589(D))

Justices of the Peace Ad Hoc (Act 68)

Old law allowed for anyone who meets the legal requirements of a justice of the peace to be appointed as a justice of the peace ad hoc, and required a justice of the peace ad hoc to be paid the same compensation as the presiding justice of the peace.

New law allows a justice of the peace currently elected from the same parish as the presiding justice of the peace to be appointed as an ad hoc, and authorizes but does not require an ad hoc justice of the peace to be compensated.

(Amends R.S. 13:2592(A))

Exemptions from Seizure (Act 197)

Present law, relative to seizure of property, provides general exemptions from seizure under any writ, mandate, or process for specified income or property by a debtor, including the federal earned income tax credit of the debtor, except for seizure by the Dept. of Revenue or arrears in child support payments.

New law adds to such specified income or property the refundable portion of the child tax credit of the debtor.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 13:3881(A)(6))

Secret Sex Offense Settlements (Act 35)

New law prohibits a settlement agreement from containing a provision prohibiting the disclosure by the claimant of the terms of or the facts

associated with the underlying claim of the settlement agreement when:

- (1) the underlying claim is against the state, a state agency, a political subdivision, or any employee or officer,
- (2) the claim is based on an allegation of sexual harassment or sexual assault of the claimant,
- (3) public funds are paid as satisfaction of the terms of the settlement agreement.

New law provides definitions for "sexual assault" and "sexual harassment".

(Adds R.S. 13:5109.1)

Vernon Parish Sheriff (Act 141)

Present law authorizes the sheriff of each parish to pay for the insurance premiums of the sheriff, sheriff deputies, and dependents of the sheriff and sheriff deputies. The sheriff may contract with any insurance company authorized to do business in this state for group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense and group disability insurance.

Old law required the sheriff of certain parishes, including Vernon, to pay these premiums in full for their retirees who have retired with at least 15 years of service who are at least 55 years of age, or who have retired with at least 30 years of service at any age.

New law retains present law for those retirees hired prior to July 1, 2019, and requires the Vernon Parish Sheriff to pay varying percentages of the insurance premiums for retired sheriff and sheriff deputies hired on or after July 1, 2019, according to four categories based on years of service and age.

(Adds R.S. 13:5554(G)(9))

Pointe Coupee Sheriff Insurance Premiums (Act 177)

New law provides that, in the parish of Pointe Coupee, for sheriffs and deputy sheriffs who were hired on or after July 1, 2019, the sheriff must pay in full from the sheriff's general fund the premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under prior law for any sheriff or full-time deputy sheriff who retires directly from active service with the Pointe Coupee Parish Sheriff's Office and who: (1) is entitled to receive benefits from the Sheriff's Pension and Relief Fund; (2) has at least 15 years of full-time service with the Pointe Coupee Parish Sheriff's Office; and (3) is at least 55 years of age.

Effective July 1, 2019.

(Adds R.S. 13:5554(G)(9))

St. Landry Parish Sheriff's Office (Act 309)

New law provides that, for persons hired after July 1, 2019, in order to receive various health and life insurance benefits, the sheriff or deputy sheriff shall retire with either of the following:

- (1) At least 15 years of continuous full-time service with the St. Landry Parish Sheriff's Office and is at least 65 years of age.
- (2) At least 30 years of continuous full-time service with the St. Landry Parish Sheriff's Office and is at least 55 years of age.

Effective August 1, 2019.

(Amends R.S. 13:5554(P))

St. Tammany Retired Employees' Insurance Fund (Act 142)

New law creates the St. Tammany Parish Retired Employees' Insurance Fund (STREIF), to fund the payment by the sheriff's office of St. Tammany Parish of the insurance premium costs

for eligible retired sheriffs and retired deputy sheriffs.

New law provides how that the sheriff of St. Tammany Parish shall invest a portion of the monies in STREIF.

New law requires the sheriff to establish an investment advisory board.

New law provides for election of members, filling of vacancies, election of a chairperson, terms of office, and the adoption of rules by the board.

(Adds R.S. 13:5554.5)

Fees of City Marshalls and Constables (Act 166)

Present law creates a fee schedule for all city marshals and constables (except for those serving in Orleans Parish and certain cities) for their services.

Old law requires 60% of funds collected to be used to assist in funding the purchase or updating of necessary equipment and officer training.

New law amends old law to provide a minimum amount for certain fees collected by the city marshals and constables.

New law no longer requires 60% of all collected funds to be deposited into a special account, but instead provides that 60% of any funds collected in excess of the minimum fees set forth in present law shall be deposited in the equipment and training fund and provides that such funds be used for specified purposes.

(Amends R.S. 13:5807)

Disarming a Peace Officer (Act 5)

Old law provided that the crime of disarming a peace officer is committed when an offender, through use of force or threat of force, and without the consent of the peace officer, takes possession of any law enforcement equipment from the person of a peace officer or from an area within the peace officer's immediate control,

when the offender has reasonable grounds to believe that the victim is a peace officer acting in the performance of his duty.

New law removes the requirement that the law enforcement equipment be issued to the peace officer by his law enforcement agency, but adds as an element of the crime that the equipment be approved by the peace officer's law enforcement agency for use by the peace officer in the course and scope of his duties.

(Amends R.S. 14:34.6(B)(1))

TITLE 14: CRIMINAL LAW

Meaning of "Serious Bodily Injury" (Act 2)

Numerous crimes either require serious bodily injury as an element of the offense or provide for enhanced penalties when the offense results in serious bodily injury.

For purposes of Title 14, new law defines "serious bodily injury" as bodily injury which involves unconsciousness; extreme physical pain; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death. New law further provides that for purposes of the crime of abuse of children, "serious bodily injury" shall also include injury resulting from starvation or malnutrition.

(Amends R.S. 14:34.4, 52.2, and 92.2 and R.S. 15:1212; Adds R.S. 14:2(C); Repeals R.S. 14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B), 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4), 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3))

Umpire Harassment; Stadium Trespass (Act 355)

New law creates the crime of harassment of a school or recreation athletic contest official and defines the crime as the harassment of a school athletic or recreation athletic contest official that occurs under either of the following circumstances and that includes verbal or non-

verbal behavior by the offender that would cause a reasonable person to be placed in fear of receiving bodily harm:

- (1) While the school athletic or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.
- (2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

New law also defines "school athletic contest official" and "recreation athletic contest official" for purposes of new law.

New law provides the following penalties for persons who commit the offense:

- (1) A fine of not more than \$500, imprisonment without hard labor for not more than 90 days, or both.
- (2) Performance of 40 hours of court-approved community service work.
- (3) Mandatory participation in a court-approved counseling program, which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Cost of the program shall be borne by the offender.

New law creates the crime of entry or remaining on site of a school or recreation athletic contest after being forbidden, which provides that no person shall without authority go into or upon or remain in or upon, or attempt to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and

that is used for any school athletic contest or recreation athletic contest, including any area in the immediate vicinity of the site or location of the athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

New law provides that whoever violates the provisions of new law shall be fined not more than \$500, imprisoned without hard labor for not more than six months, or both.

Effective August 1, 2019.

(Adds R.S. 14:38.4 and 63.5)

Delinquency (Act 104)

Present law provides that criminal acts that are not crimes of violence committed by 17-year-olds shall be governed by the provisions in the Children's Code regarding delinquency.

The present law crimes of cyberbullying, online impersonation, and retaliation by a minor against a parent, legal custodian, witness, or complainant provide that the offense can only be committed by persons under the age of 17.

The present law crime of illegal possession of a handgun by a juvenile provides that the offense can only be committed by persons 17 years of age or older.

New law amends these present law provisions to conform with the changes made by Act No. 254 of 2018 R.S. by changing references of persons over or under the age of 17 to persons over or under the age of 18.

(Amends R.S. 14:40.7, 73.10, 92.3, 95.8 and R.S. 15:1031, 1096.2, 1098.3, and 1099.3)

Criminal Hazing (Act 382)

Present law provides that if any representative or officer of an organization knows of an act of hazing and fails to report it to law enforcement, the organization may be subject to certain penalties.

New law specifies that failure to make such report as soon as practicable under the circumstances may subject the organization to such penalties. New law requires that the report include all details received by the organization relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing.

Prior law authorized a national or parent organization that receives a report alleging an act of hazing to conduct an investigation prior to reporting it to law enforcement and requires investigation completion by 14 days after report receipt. New law removes prior law.

New law requires an education institution that receives a report alleging an act of hazing by one or more members of an organization at the institution to report it as soon as practicable under the circumstances to the law enforcement agency having jurisdiction in the place where it allegedly occurred.

New law requires this report to include all details received by the institution relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing. New law provides that any institution that fails to comply with new law may be subject to a fine of up to \$10,000.

Present law provides that university or college police officers have the right to carry a concealed weapon and exercise the power of arrest when discharging their duties on their respective campuses and authorizes them to exercise this power on campus and while in hot pursuit on or off the campus.

New law adds that for purposes of criminal hazing, these rights and authorities extend to an alleged act of hazing committed by members of an organization at the institution for which the police officer is commissioned regardless of the location where it occurs.

New law requires an institution that receives a report of an alleged act of hazing to do both of the following:

- (1) Report it to law enforcement.
- (2) Document in writing all actions taken with regard to the report, including but not limited to the date the report was received, reports made to law enforcement, and any other information relative to the institution's investigation, processing, and resolution of the incident.

New law requires the Bd. of Regents, in consultation with the public postsecondary education management boards, to develop:

- (1) A standardized form that organizations shall use in making reports to institutions.
- (2) A standardized form that institutions shall use to document reports received from organizations, reports made to law enforcement, and the manner in which each such hazing incident is handled and resolved at the institution level.
- (3) A policy relative to making available to the public certain information relative to hazing that is documented pursuant to new law.

Present law requires the Bd. of Regents to adopt a uniform hazing prevention policy and each institution to adopt this policy and authorizes institutions to expand the definition of hazing to address behaviors it deems dangerous.

New law requires an organization, as a condition of operation at an institution, to adopt the hazing prevention policy that the institution has adopted pursuant to present law and a policy that prohibits hazing.

Present law requires each new student to be provided with educational information on the dangers of and prohibition on hazing during the new student orientation process. New law adds that if such student is a minor, the information shall also be provided to his parent or legal guardian.

Present law requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members. New law requires such education to include education on policies and broadens present law application to include organization employees and volunteers.

(Amends R.S. 14:40.8 and R.S. 17:1801, 1801.1, and 1805)

Sexual Battery of A Victim Under 13; MPA Treatment (Act 296)

Present law provides that for convictions of certain enumerated sex offenses, (1) upon a first conviction, the court may sentence the offender to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Dept. of Public Safety and Corrections and (2) upon a second or subsequent conviction, the court shall sentence the offender to be treated with MPA.

New law adds the present law crime of sexual battery when the victim is under the age of 13 to the list of offenses to which the MPA law applies.

Present law provides that an order of the court sentencing a defendant to MPA treatment shall be contingent upon a determination by a court appointed medical expert that the defendant is an appropriate candidate for treatment.

Old law provides that this determination shall be made not later than 60 days from the imposition of sentence, and that in all cases involving defendants sentenced to a period of incarceration or confinement in an institution, the administration of treatment with MPA shall commence not later than one week prior to the defendant's release from prison or such institution.

New law provides that the determination by the medical expert shall be made not later than 60 days from the imposition of sentence, unless the defendant is sentenced to incarceration or confinement for a period of time that is 10 years or more. In such cases, new law provides that the commencement of the administration of

treatment with MPA shall be contingent upon a medical evaluation to determine whether the defendant is an appropriate candidate for treatment, which shall be conducted not sooner than 30 days prior to the commencement of the administration of the treatment.

(Amends R.S. 14:43.6)

Looting (Act 285)

Present law provides that looting is the unauthorized entry into certain structures or property belonging to another without authorization under certain circumstances and the obtaining, exerting control, damaging, or removing of the property of the owner when normal security is not present due to certain events.

Present law provides that a person who commits the crime of looting shall be fined not more than \$10,000, imprisoned at hard labor for not more than 15 years, or both.

Present law provides that a person who commits the crime of looting during a state of emergency as declared by the governor or chief executive officer of any parish shall be fined not less than \$5,000 nor more than \$10,000 and imprisoned at hard labor for not less than three years nor more than 15 years without benefit of probation, parole, or suspension of sentence.

New law retains present law but provides that for the crime of looting to apply, the removal of the property belonging to another must be without authorization.

Effective July 1, 2019.

(Amends R.S. 14:62.5(A))

Trespass Against State Computers (Act 292)

New law creates the crime of trespass against state computers and defines it as knowingly accessing a computer owned, operated, or utilized by the state of La., its contractors, or its political subdivisions without authorization, or exceeding

authorized access, when it is done for any of the following purposes:

- (1) To obtain information that has been determined to require protection against unauthorized disclosure.
- (2) To transmit or threaten to transmit information that has been determined to require protection against unauthorized disclosure.
- (3) To initiate a denial of service attack or to introduce malicious or destructive software that negatively affects the computers.

New law provides significant penalties for the crime of trespass against state computers.

New law provides that the person convicted of a crime of trespass against state computers shall also be subject to forfeiture of any movable property used or intended to be used to commit the crime and any property which constitutes or is derived from proceeds traceable to any violation of trespass to state computers.

(Amends R.S. 14:73.1; Adds R.S. 14:73.11)

Interference with State, Defense, or Public Utility Communications (Act 88)

New law creates the crime of communication interference and defines it as the willful or malicious interference with any communication operated or controlled by the state; used or intended to be used by the military or civil defense functions; or controlled by any legal entity created for the purpose of or engaged in generating, transmitting, providing, and distributing utilities or utility services to the public.

New law provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than 10 years, or both, for a first offense. For a second or subsequent offense, new law provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than 15 years, or both.

New law provides exceptions for:

- (1) Certain activities performed for purposes of collective bargaining or mutual aid protection, for military or civil defense functions, or for certain private entities.
- (2) An entity the security issues of which are subject to approval, control, regulation, or supervision by the federal government or any agency thereof under any other federal statute; an entity whose business is subject to regulation by the Federal Communications Commission; or any entity conducting or carrying on its business or operations in two or more states.
- (3) Member-owned electronic cooperatives, municipally owned electric service providers, privately owned utilities, or investor-owned utilities regulated by the La. Public Service Commission or the city council of New Orleans.

(Adds R.S. 14:73.11)

Improper Supervision of A Minor (Act 290)

Present law provides for the crime of improper supervision of a minor by a parent or legal custodian.

Old law penalties included a fine of not less than \$25 and not more than \$250 for each offense, imprisonment for not more than 30 days, or both.

Old law provided that, in the case of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school without a valid excuse, there was also a minimum condition of probation to be imposed, including school or community service activities.

New law changes the penalties to a fine of not more than \$500, imprisonment for not more than six months, or both, and repeals the additional penalty for violation of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school.

New law directs the court when imposing the sentence for a person convicted of improper supervision of a minor to consider the totality of the circumstances including the best interest of the minor.

New law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of improper supervision of a minor, unless:

- (1) The officer has reasonable grounds to believe that the person will not appear upon summons.
- (2) The officer has reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) It is necessary to book the person to comply with routine identification procedures.

(Amends R.S. 14:92.2; Adds C.Cr.P. Art. 211.3)

Crimes Against Public Officials and Police (Act 311)

Present law provides for the crime of public intimidation, which is the use of violence, force, or threats upon certain public persons with the intent to influence his conduct in relation to his position, employment, or duty.

Present law provides for the crime of public retaliation, which is defined as the use of violence, force, or threats upon an elected official when such violence, force, or threat is related to the duties of the elected official or is in retaliation or retribution for actions taken by the elected official as part of his official duties.

New law amends the above crimes to include extortionate threats and true threats.

New law provides that "extortionate threats" occur when a person communicates an unlawful threat to harm another person with the intention

to obtain anything of value or any acquittance, advantage, or immunity of any description and the person would not otherwise be able to lawfully secure such advantage willingly from the victim.

New law provides that "true threats" occur when a person communicates a serious expression of an intent to commit an unlawful act of violence upon a person or group of persons with the intent to place such persons in fear of bodily harm or death. New law provides that the person need not actually intend to carry out the threat.

Present law defines the crime of threatening a public official as any verbal or written communication which threatens serious bodily injury or death to a public official.

New law amends the crime to: (1) expand its application to true threats made to a public official or law enforcement officer, and (2) expand its application to threats made through social media.

New law defines "law enforcement officer", "true threats", and "verbal or written communication".

Effective August 1, 2019.

(Amends R.S. 14:122 and 122.2)

Threatening Public Official or Law Enforcement Officer (Act 249)

Present law defines the crime of threatening a public official as any verbal or written communication which threatens serious bodily injury or death to a public official.

New law retains present law, but amends the crime to do all of the following:

- (1) Expands its application to threats made to law enforcement.
- (2) Expand its application to threats made through social media.
- (3) Provide that the crime is committed when done with the intent to influence or in

retaliation for the officer's or official's conduct in relation to his position, employment, or official duty.

Present law provides that whoever commits the crime of threatening a public official shall be fined not more than \$500, or imprisoned for not more than six months, or both.

Present law provides that these penalties shall apply when the person commits the crime of threatening a public official with the intent to influence his conduct in relation to his position, employment, or official duty, or in retaliation as reprisal for his previous action in relation to his position, employment, or official duty.

New law retains the present law penalties, but applies them generally to persons who commit the offense as defined by new law and removes the provision providing specific penalties when the person commits the crime of threatening a public official with the intent to influence or in retaliation for his conduct in relation to his position, employment, or official duty.

(Amends R.S. 14:122.2)

Interference with Emergency Communications (Act 12)

New law creates the crime of interfering with emergency communication and provides that the crime is committed when a person disconnects, damages, disables, removes, or uses physical force or intimidation to block access to any telephone or telecommunications device with the specific intent to interfere or prevent an individual from: (1) using a 911 emergency telephone number; (2) obtaining medical assistance; or (3) making a report to any law enforcement officer.

New law provides that persons who commit this proposed law crime shall be either fined not more than \$500, imprisoned for not more than six months, or both.

(Adds R.S. 14:338)

TITLE 15: CRIMINAL PROCEDURE

Repeat Offenders (Act 386)

Existing law (habitual offender law) provides that any person who, after having been convicted of a felony, thereafter commits any subsequent felony within La., upon conviction shall be subject to certain enhanced penalties as set forth in existing law.

Existing law provides that, for purposes of the habitual offender law, the current offense cannot be counted as a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions.

With regard to prior convictions for offenses that are crimes of violence or sex offenses, existing law extends this period of time to 10 years.

New law retains this provision of existing law but provides that a conviction for a felony offense that is not a crime of violence and that has been set aside and dismissed after deferred imposition of sentence shall not be considered as a prior conviction for enhancing a felony that is not a crime of violence under the habitual offender law, nor shall it be included in the computation of the five- or ten-year time period set forth in existing law for the same purposes.

Existing law provides that when it appears that the best interest of the public and of the defendant will be served, the court may defer, in whole or in part, the imposition of a sentence after conviction of a first offense noncapital felony and place the defendant on probation under the supervision of the division of probation and parole.

Existing law provides that if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution, which shall have the same effect as acquittal. However, prior law provided that the conviction may be considered as a first offense and provide the basis for subsequent prosecution

of the party as a multiple offender, and shall be considered as a first offense for purposes of any other law or laws relating to cumulation of offenses.

New law retains the existing law provision which provides that the conviction may be considered as a prior offense for purposes of any law or laws relating to cumulation of offenses, but amends prior law to provide that conviction may only be considered as a first offense or provide the basis for subsequent prosecution of the party as a habitual offender pursuant to new law which prohibits its use for enhancement of a second felony offense that is not a crime of violence.

Effective August 1, 2019.

(Amends R.S. 15:529.1(C) and C.Cr.P. Art. 893(E)(2), (3)(a) and (c), and (4))

Parole and Related Programs (Act 369)

Existing law authorizes each district court to establish a reentry division of court, and requires each established reentry division of court to establish a workforce development sentencing program. Existing law requires the court, in offering a defendant the opportunity to request participation in the program, to advise the defendant of various matters.

New law further requires the court to advise the defendant that, while in the program, the defendant shall not be eligible for parole, nor earn "good time" or additional "good time" credits for participation in certified treatment rehabilitation programs.

Existing law authorizes certain prisoners to earn a diminution of sentence, or "good time", by good behavior and performance of work or self-improvement activities, or both. Existing law provides that when a prisoner is released because of diminution of sentence, he shall be released as if released on parole and supervised in the same manner as persons released on parole.

New law adds that for any prisoner released because of diminution of sentence on or after Aug. 1, 2020, the committee on parole may

impose special conditions of supervision which include participation in additional programming by the prisoner as determined to be necessary by a validated risk-assessment tool approved by the department.

Prior law provided "administrative parole" for offenders who were otherwise eligible for parole and who committed an offense on or after Nov. 1, 2020, other than a crime of violence or a sex offense. Administrative parole allowed the offender to be released on the date of his parole eligibility without a hearing before the committee on parole if the offender met certain requirements set forth in prior law, including the requirement that the offender complete a case plan developed by DPS&C.

New law repeals prior law, removing the availability of "administrative parole."

Existing law provides that when the committee on parole grants parole, the release date shall be fixed by the committee on parole and cannot exceed a period of six months after the parole hearing or the most recent consideration of the inmate's case. However, existing law authorizes the committee on parole to extend this period to a maximum of nine months if the committee on parole determines that to ensure public safety and the offender's opportunity for success, completion of one or more specific rehabilitative programs is required prior to the inmate's release.

New law further authorizes the committee on parole, when granting parole of a prisoner who was sentenced as a habitual offender, to extend this period to a maximum of one year if the committee on parole determines that it is necessary for the prisoner to participate in a work release program.

Existing law provides that any offender who has been released on parole and who has been determined by the committee on parole to have committed a technical violation of the conditions of parole, shall be required to serve a sentence, the length of which is dependent upon the number of prior technical violations or whether the offender is to participate in a custodial substance abuse treatment program.

New law amends prior law to eliminate treatment program criteria and to provide that for a fourth or subsequent technical violation, the offender may be required to serve a sentence of up to 90 days.

Prior law provided that certain offenders were eligible for intensive parole supervision upon successful completion of an intensive incarceration program. Prior law provided that when an offender completed intensive incarceration, the committee on parole was required to review the case of the offender and recommend either that the offender be released on intensive parole supervision or that the offender serve the remainder of his sentence.

New law removes such prior law intensive parole supervision program.

Effective August 1, 2019.

(Amends R.S. 15:529.2, 571.5, 574.4, 574.4.1, 574.4.3, 574.4.4, 574.9, 827, and 1111 and C.Cr.P. Art. 901.1; Adds R.S. 13:5401(B)(3)(d); Repeals R.S. 15:574.2(C)(4))

24th JDC Surplus Witness Fee Funds (Act 130)

Present law provides for the collection of court costs, known as "witness fees", to pay off-duty law enforcement officers who are required to be present in a criminal case or delinquency proceeding.

New law provides that in the 24th Judicial District Court, surplus monies in the witness fee fund that exceeds \$1.5 million at the end of each calendar year shall be transmitted by the governing authority of Jefferson Parish (1) 50% to the Commissioner's Fee Fund of the 24th Judicial District Court, and (2) 50% to the Jefferson Parish Sheriff's Office.

(Adds R.S. 15:255(V))

8th JDC Surplus Witness Fees (Act 136)

Present law provides for witness fees for off-duty law enforcement officers to be paid from the costs

of court collected in individual cases tried in district or parish courts.

New law requires surplus money in excess of \$5,000 in the special account in the 8th Judicial District to be transferred to the criminal court fund.

(Adds R.S. 15:255(V))

Material Witness Warrants and Victims of Sex Offenses (Act 410)

Prior law provided that if the testimony of a witness is essential to the prosecution or the defense, and it may become impracticable to secure the presence of the person by subpoena, then upon motion of the district attorney or defendant, a judge is to issue a warrant for the arrest of the witness. Prior law provided that the witness is to be arrested and held in the parish jail or other suitable place as designated by the court, until he gives an appearance bond as provided for defendants admitted to bail, or until his testimony has been given or dispensed with.

New law provides an exception to prior law for material witness warrants for victims of sex offenses and intimate partner violence.

New law provides that in certain misdemeanor cases, defined as sex offenses under prior law, or the prior law crimes of battery of a dating partner, domestic abuse battery, or domestic abuse aggravated assault, a judge cannot order a material witness warrant to secure the presence of a victim.

New law provides that in certain felony prosecution cases, defined as sex offenses under prior law, or the prior law crimes of battery of a dating partner, domestic abuse battery, or domestic abuse aggravated assault against a current or former spouse, a judge cannot order a material witness warrant solely for the purpose of securing the attendance or testimony of a victim, unless an applicant presents an affidavit to the judge attesting: (1) efforts made by the applicant to secure the victim's appearance in court, (2) the victim's testimony is essential to the prosecution

or defense of a criminal proceeding, and (3) the affidavit is filed in compliance with present law.

New law provides that only a qualified victim for which a material witness warrant is sought pursuant to new law has standing to raise the protections afforded by new law.

New law provides that when the appearance of a secured victim occurs, immediate notification must be made to the judge who signed the warrant, the duty judge, or magistrate, as well as the applicant who requested the order.

New law provides that upon notification that the victim has been secured, the victim is to be brought before the judge: (1) within the jurisdiction of the issued material warrant, before the judge on the next scheduled business day, or (2) outside the jurisdiction of the issued material warrant, before the judge as soon as practically possible.

New law provides that the judge is to explore all available alternatives to incarceration to ensure the victim's appearance in court, and notify the victim of certain rights, including a right to retain or apply for counsel.

New law provides a presumption that the victim be released on his own recognizance.

New law provides certain conditions of release for secured victim, including bond supervision, GPS monitoring, treatment facilities, shelters, lodging, or services offered by community partners or victim witness assistance coordinators.

New law provides that the judge may order that the secured victim be placed in protective custody as an alternative to incarceration. New law provides that, if possible, a victim will not be incarcerated in the same institution as the defendant.

New law provides for a reporting system of information regarding material witness warrant data.

Effective upon signature of governor (June 11, 2019).

(Amends R.S. 15:257; Adds R.S. 15:257.1 and 625)

Compensation for Convicted Innocents (Act 121)

Present law provides that any person who has served, in whole or in part, a sentence of imprisonment under the laws of this state for a crime for which he was convicted is entitled to receive compensation if the conviction has been reversed or vacated and the person has proved by clear and convincing evidence that he is factually innocent of the crime for which he was convicted.

Present law provides that if, after a contradictory hearing with the attorney general, the court determines that the petitioner is entitled to compensation because he is found to be factually innocent of the crime for which he was convicted, the court shall order that the petitioner receive the following:

- (1) Compensation for the physical harm and injury suffered by the petitioner in an amount equal to \$25,000 per year incarcerated, not to exceed a maximum total amount of \$250,000.
- (2) Compensation for the loss of life opportunities resulting from the time spent incarcerated, not to exceed \$80,000, which the court finds reasonable and appropriate, only for the following purposes:
 - (a) The costs of job-skills training for three years.
 - (b) Appropriate medically necessary medical and counseling services for six years.
 - (c) Tuition, fees, and certain other expenses associated with attendance at any community college or unit of the public

university system of the state of Louisiana for ten years after.

New law amends present law to require the court, upon determining that the petitioner is factually innocent of the crime for which he was convicted, to order (1) compensation for the physical harm and injury suffered by the petitioner at the rate set forth in present law, and (2) that the petitioner receive \$80,000 in compensation for the loss of life opportunities and to cover expenses relating to job skills training, education, housing, and any other services such wrongfully convicted person may need.

New law removes from old law the criteria for each category of compensation and the limitations placed on the number of years for which the petitioner may receive compensation for loss of life opportunities.

New law provides that any petitioner who has been awarded compensation and who has received a portion of such compensation prior to Aug. 1, 2019, may petition the court by Aug. 1, 2020, to seek the remainder of the compensation, not to exceed \$80,000, or be forever barred from filing such petition.

New law repeals a provision of old law that conflicts with the present law requirement that petitions for wrongful conviction be filed in the district court in which the original conviction was obtained.

(Amends R.S. 15:572.8; Repeals C.C.P. Art. 87)

Background Check Processing Fees (Act 391)

Existing law authorizes any local law enforcement agency, La. public higher education institution which employs full-time police officers commissioned by the La. State Police, or sheriff to conduct any screening function conducted by the La. Bureau of Criminal Identification and Information, except screening functions conducted for entities regulated by any office of DPS&C.

Prior law provided for a reasonable processing fee of not more than \$15 per inquiry for

information provided. New law changes the processing fee from \$15 to \$5 per background check.

New law also requires a technology fee of \$5 to be assessed for each civil background check conducted.

Effective upon completion or substantial completion of a statewide civil scan applicant processing solution or March 31, 2020, whichever is earlier.

(Amends R.S. 15:587(D))

Head Coaches of Youth Athletes (Act 143)

New law provides that any head coach of youth athletes in an organized sports or recreational athletic contest, not as part of a religious, charitable, scientific, educational, athletic, or youth-serving institution, and who is not a parent of the child, legal guardian of the child, or is otherwise not a family member of the child, is required to do the following:

- (1) Agree to release all investigative records for the purpose of verifying the accuracy of criminal violation information.
- (2) Supply fingerprints and submit to a criminal history records check.
- (3) Make available criminal history record information.

New law provides that when a criminal history records check is requested, the La. Bureau of Criminal Identification and Information shall provide the requestor with the state criminal history record information of the individual subject to the inquiry.

New law requires the bureau to forward the fingerprints to the FBI for a national criminal history records check and provide the requestor with the national criminal history record information of the individual subject to the inquiry.

New law requires the bureau to charge the individual subject to the background check for furnishing information contained in the criminal history and identification files, including any additional costs.

(Amends R.S. 15:587.3)

State Criminal History Record Checks (Act 259)

Present law requires the Louisiana Bureau of Criminal Identification and Information (Bureau) to maintain a volunteer and employee criminal history information system to allow qualified entities to access state and federal criminal history records on certain individuals who volunteer or work with children, the elderly, and individuals with disabilities.

Present law provides that the cost of providing the information to the qualified entity shall be charged by the Bureau to the individual subject to the inquiry, including any additional costs of providing the national criminal history records check.

New law also authorizes the Bureau to charge the costs to the qualified entity, provided the provisions of labor law that prohibit an employer from passing on the costs of a record to an employee or applicant as a condition of employment are not violated.

New law provides access to the criminal history system for victims of domestic abuse, dating violence, human trafficking, and sexual assault.

New law provides that a licensed attorney who is counsel of record in a case involving a victim of domestic abuse, dating violence, human trafficking, or sexual assault shall be allowed to access state criminal history records on a certain individual who is a defendant or a witness in the civil cases in which the attorney is counsel of record.

New law provides that an attorney, or his licensed investigator who is assigned to the case, may submit a request for a criminal history records check to be conducted by the sheriff. The attorney

or his licensed investigator submits identifying information related to the individual to the sheriff, including the full legal name, date of birth, or any other identifying information that the attorney may possess. New law requires the attorney to submit in his letter of request: (1) the name and the Louisiana State Bar Association bar roll number of the attorney making the request, and (2) the name of the case, suit number, and the judicial district of the court for which the attorney is making the request.

New law provides that if the attorney or his licensed investigator willfully or intentionally misrepresents the civil case information, the attorney or his licensed investigator shall be subject to criminal prosecution for filing false public records.

New law authorizes a pro se litigant to obtain the same information that an attorney may obtain so long as the pro se litigant obtains an ex parte court order from the judge assigned to the civil case, in which the pro se litigant is a party, authorizing the pro se litigant to obtain criminal history information on the defendant or witness to the civil litigation.

New law provides for the pro se litigant to submit the judge's order for a request for a criminal history records check to be conducted by the sheriff and requires the pro se litigant to submit identifying information related to the individual, including the full legal name, date of birth, and any other identifying information that the pro se litigant may possess.

New law requires that in addition to the individual's identifying information, the pro se litigant must submit in his letter the name of the case, the suit number, and the judicial district of the court for which the pro se litigant is making the request along with the judge's order.

New law provides that if the pro se litigant willfully or intentionally misrepresents the civil case information, the pro se litigant shall be subject to criminal prosecution for filing false public records.

New law provides that when a criminal history records check is requested by an attorney, investigator, or pro se litigant, the sheriff must provide the state criminal history record information of the individual subject to the inquiry.

New law provides that state criminal history records checks are to be used by the attorney or pro se litigant in conjunction with the civil case and may be disclosed only to the court or opposing counsel or in court proceedings related to the civil case.

New law provides that the cost of providing the information shall be charged by the sheriff to the requesting person as provided in present law.

New law requires the sheriff performing the criminal history records check to enter the code "D" in the question space concerning the purpose of the inquiry so that the Bureau may record the nature of the request for auditing purposes.

New law provides that the attorney, investigator, pro se litigant, and any other person shall maintain the confidentiality of the state criminal history information and shall use the information only for those purposes provided for in new law.

New law provides that no person shall maintain a cause of action for liability against the state, the sheriff, any political subdivision of the state, or any agency, officer, deputy, or employee of the state, the sheriff, or a political subdivision for providing the information requested in accordance with new law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587.7(D); adds R.S. 15:587.8)

Terrorism Against Police (Act 298)

Present law requires any adult residing in this state who has been convicted for the perpetration or attempted perpetration of the crime of disarming a peace officer, the crime of aggravated assault upon a peace officer, or certain other enumerated crimes, when committed

against a peace officer, to register with the sheriff of the parish of the person's residence and with the chief of police if the address of the residence is located in an incorporated area which has a police department.

Present law requires the La. Bureau of Criminal Identification and Information to establish and maintain a central registry to collect and disseminate information regarding those offenders who are required to register in accordance with present law. Present law requires the bureau to provide the information to all law enforcement agencies in this state who request such information in an effort to assist in the prevention of violence and protection of peace officers.

New law expands present law to require registration of persons who commit terrorism offenses, which include the crime of terrorism as defined by present law (R.S. 14:128.1), the crime of aiding others in terrorism as defined by present law (R.S. 14:128.2), and any offense under the laws of another state, or under any military, territorial, foreign, tribal, or federal law, that is equivalent to the present law crime of terrorism or aiding others in terrorism.

New law also expands the application of present law to require registration of any person convicted conspiracy to commit any of the offenses provided in present law and new law.

New law requires the bureau to establish an alert flag on the criminal history record information of each person who is required to register pursuant to present law and new law that would be visible and accessible to law enforcement agencies and peace officers while in the performance of their duties.

(Amends R.S. 15:642, 643, and 645)

Inmate Daily Housing Costs (Act 245)

Present law requires DPS&C to pay the sheriff of a parish, or to the governing authority of those parishes in which the governing authority operates a parish jail, a sum of \$24.39 per day for housing an individual in a parish jail.

New law increases this per diem amount from \$24.39 per day to \$25.39 per day for FY 2020; \$27.39 per day for FY 2021; \$29.39 per day for FY 2022 and thereafter.

New law additionally requires DPS&C to work with sheriffs or governing authorities of parish jails to ensure that basic jail guidelines provide for treatment and educational programming for individuals confined in parish jails by Dec. 31, 2020.

(Amends R.S. 15:824(B)(1)(a))

Visitation with Inmates (Act 283)

Old law provided that if an inmate sustains serious bodily injury that requires admittance to an intensive care unit (ICU) or trauma center, the warden or other governing authority of the correctional facility, jail, or other detention facility must attempt to notify the inmate's immediate family within eight hours of the medical decision to transport the inmate to the ICU or trauma center.

Old law provided that if an inmate sustains serious bodily injury that requires admittance to an ICU or trauma center, a member of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the ICU or trauma center, unless the warden or other governing authority of the inmate's correctional facility, jail, or other detention facility provides written notice, within six hours of the inmate's admission to the ICU or trauma center, to any immediate family member seeking visitation on why such visitation cannot be granted.

New law changes the references of "intensive care unit" and "trauma center" to "medical facility". New law requires visits to be granted daily for the duration of the inmate's admission to the medical facility, unless notice is provided to any immediate family of the inmate as to why such visitation cannot be granted.

New law requires the visitation to follow all security procedures and policies of the correctional facility, jail, or other detention center

and the medical facility where the inmate is being housed.

New law amends two definitions to read as follows:

- (1) "Serious bodily injury" means bodily injury that involves protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.
- (2) "Immediate family" means a spouse, child, parent, stepparent, sibling, stepsibling, grandchild, or grandparent of the inmate. If all persons defined as "immediate family" are deceased, then the term shall also include siblings of the inmate's parents.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:833)

Arts Instruction for Detained Youth (Act 395)

Present law requires the Dept. of Public Safety and Corrections, office of juvenile justice (OJJ), to have full control of all juvenile institutions, facilities, and programs under its administration and the affairs of such institutions, facilities, and programs. Present law requires all children in these juvenile institutions, facilities, and programs to receive appropriate treatment, training, and education commensurate with their needs and abilities. In this regard, present law authorizes OJJ to enter into contracts or cooperative agreements to fulfill its obligations to accomplish its goals in the most efficient manner possible.

Present law requires the Dept. of Children and Family Services (DCFS) to develop and promulgate, in accordance with the provisions of the Administrative Procedure Act, rules governing the licensing of juvenile detention facilities, and requires all juvenile detention facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or

public agency, to be licensed in accordance with rules promulgated by DCFS pursuant to present law.

New law authorizes the Dept. of Public Safety and Corrections, office of juvenile justice (OJJ), to establish arts-based programming in its juvenile institutions, facilities, and programs.

New law authorizes each licensed juvenile detention facility, including facilities owned or operated by any governmental, profit, nonprofit, private, or public agency, to establish arts-based programming in the juvenile detention facility.

New law provides that the arts-based programming may include but is not limited to performing arts, visual arts, and other arts activities that enhance youth development.

New law authorizes OJJ and the juvenile detention facility owner or operator, for the purposes of funding the arts-based programming, to receive, by appropriation, gift, grant, donation, or otherwise, any sum of money, aid, or assistance from any person, firm, or corporation or from the U.S., its agencies, the state of La., or any political subdivision of the state.

(Amends R.S. 15:905(A); Adds R.S. 15:1110(D))

TITLE 16: DISTRICT ATTORNEYS

District Attorneys' Salaries (Act 315)

New law increases the salary of district attorneys to \$52,500 beginning July 1, 2020, and to \$55,000 beginning July 1, 2021.

New law increases the salary of assistant district attorneys to \$47,500 beginning July 1, 2020, and to \$50,000 beginning July 1, 2021.

Effective July 1, 2019.

(Amends R.S. 16:10(A) and 11(A)(1))

TITLE 17: EDUCATION

School Employees and Criminal Histories (Act 387)

Present law authorizes the State Bd. of Elementary and Secondary Education (BESE) to issue a teaching certificate or authorization to a person who has been convicted of or has pled nolo contendere to contain felony offenses if certain conditions apply.

New law revises present law to apply to those who have been convicted of or have pled nolo contendere to any felony offense but adds to the list of such conditions that the offense was not a crime of violence.

Present law authorizes BESE to assess civil fines for hiring a person who has been convicted of or pled nolo contendere to any felony offense.

New law allows such fining for hiring such persons who have been convicted of or pled nolo contendere to any crime listed in present law except one (R.S. 14:74—criminal neglect of family).

Present law prohibits the hiring of a person who has been convicted of or has pled nolo contendere to a felony offense as an administrator, teacher, or substitute teacher. New law instead prohibits hiring for such positions anyone who has been convicted of or has pled nolo contendere to a crime listed in present law.

Present law authorizes a school board to reemploy an administrator, teacher, or other school employee who has been dismissed for conviction of a crime, except a crime listed in present law. New law instead allows a school board to reemploy such a person except if the conviction is for a crime of violence.

Present law requires the dismissal of an administrator, teacher, or substitute teacher upon final conviction of or plea of nolo contendere to any felony offense after a hearing. New law instead requires dismissal for crimes listed in present law (R.S. 15:587.1(C)) and limits the hearing requirement to those who have obtained tenure.

Present law requires, upon parental request, a student to be removed from the class of any teacher who has a felony conviction. New law

instead applies this requirement to the class of any teacher who has a conviction for any offense listed in present law, except for one (R.S. 14:74—criminal neglect of family), but makes it conditional on there being another class of a suitable grade or subject available.

(Amends R.S. 17:7, 15, and 3991)

Technical Corrections (Act 21)

New law makes technical corrections to various education laws in Title 17 including the repeal of obsolete laws.

(Amends R.S. 17:7, 46, 81, 221, 1519.3, 1519.6, 1519.14, 1976, 2048.51, 3046.2, 3128, 3139.5, 3399.13, 3911, 4011, 4012, 4013, 4015, 4017, 4020, 4022, and 4025; Repeals R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and R.S. 36:651(G)(1) and (3))

Proprietary Schools (Act 437)

Existing law provides for the licensure, regulation, and oversight of proprietary schools by the Bd. of Regents, including definitions, application requirements, fees, renewals, appeals, cessation of operations, advertising requirements, and degree granting status.

New law authorizes the Bd. of Regents to develop rules and regulations instead of the advisory commission.

New law changes the definition of proprietary schools to specify that out-of-state enterprises that require clinical or practical experiences in La. are subject to new law.

New law adds requirement that proprietary schools that cease operations take certain specified actions.

New law deletes requirement that proprietary schools retain electronic copies of student records and that the Bd. of Regents does not have to store hard copies of records it receives when a school ceases operations if the board stores the records electronically.

New law removes authority given to proprietary schools to grant associate degrees, thereby limiting the degree granting authority to occupational degrees.

New law deletes prohibition on persons preparing advertising materials for school owners or solicitors until the commission provided information that the owner or solicitor was licensed and instead provides that the owner or solicitor may not advertise or cause any information to be advertised until the owner or solicitor is licensed in accordance with new law.

Effective August 1, 2019.

(Amends R.S. 17:7(8) and 11 and R.S. 36:651(L) and 801.5(A); Adds R.S. 17:3140.1- 3140.17; Repeals R.S. 17:3141.1-3141.19)

Teacher Certification Requirements (Act 388)

Present law provides that the requirements established by the State Bd. of Elementary and Secondary Education (BESE) for certification of any applicant who completes an approved teacher education program in La. shall include the following:

- (1) That the applicant attained a 2.20 average on a 4.00 scale as a condition for entrance into a teacher education program.
- (2) That the applicant achieved a 2.50 average on a 4.00 scale at graduation from a teacher education program.

New law retains present law and allows, in lieu of the 2.50 grade point average in a teacher education program requirement, successful completion of a post-baccalaureate program as follows:

- (1) If the student attends a program which awards credit hours and grades, requires at least a 3.0 grade point average in the first 12 credit hours of the program and subsequent completion of the program.
- (2) If the student attends a program which does not award credit hours or grades,

requires demonstration of mastery of competencies required by the program administrator and the school system in which the applicant completes clinical practice and completion of program requirements as set forth by the state board.

(Amends R.S. 17:7.1(A)(3))

Academic Improvement Plans (Act 236)

Present law requires a superintendent, principal, or other leader of a public school required to develop an academic improvement plan to publicly present, within 60 days of approval by the state Dept. of Education (DOE), the approved plan.

New law requires that the plan be presented within 60 days of the beginning of the school year if DOE has approved the plan or, if the school year begins without approval, within 60 days of approval.

New law requires that such schools involve parents in plan development.

New law requires each local superintendent to report the presentation date to DOE not later than Dec. 1st annually.

New law requires DOE to report to the House and Senate education committees relative to school compliance with plan requirements by March 1st of 2020, 2021, and 2022.

(Amends R.S. 17:10.1(I)(1); Adds R.S. 17:10.1(I)(5); Repeals R.S. 17:10.1(I)(5))

Pupil Progression (Act 394)

Present law establishes a program of academic testing of students, the La. Educational Assessment Program (LEAP). Present law requires that each local school board implement the LEAP tests and establish a policy relative to promoting a student from 4th to 5th grade or from 8th to 9th grade if the student fails to achieve the required proficiency on certain LEAP tests.

Present law requires school boards to develop pupil progression plans based on achievement, performance, and proficiency on tests required by present law. New law requires that the progression plans be made publicly available.

Present law requires that students who fail to meet required achievement standards be offered education programs designed to accelerate progress. Present law provides that, at a minimum, such education programs shall include summer school remediation programs for students who cannot be fully promoted to the 5th or 9th grade.

New law retains present law remediation requirement but removes requirement that the remediation be in summer and applies it to students who cannot be promoted without required academic intervention instead of to students who cannot be fully promoted.

Prior law, relative to summer school remediation programs, required that they meet minimum requirements as established by BESE and provided relative to their funding. Prior law authorized a local school board to require attendance at summer school unless the parent or guardian signs a form opting out of summer school. New law repeals prior law.

(Amends R.S. 17:24.4(G)(1) and (4))

School Board Size (Act 420)

Present law authorizes a school board, during the reapportionment process, to reestablish its membership with at least five but not more than 15 members, but excepts a school board "presently authorized" to have a greater number from the maximum on the number of members. New law removes this exception and otherwise retains present law.

(Amends R.S. 17:71.2(A))

School Facilities Preservation and System-Wide Needs (Act 430)

Present law establishes a school facilities preservation program in school districts in which

failing schools were transferred to the jurisdiction of the Recovery School District (RSD). New law retains present law.

Present law provides that the provisions for the school facilities preservation program apply to both the applicable school board and to the RSD. New law removes references to the RSD from present law.

Present law provides for dedication of certain local tax revenues to the purposes of the program ("facility funds"), which are the proceeds of:

- (1) Sales taxes at a rate equivalent to the rate being used as of July 1, 2014, by the school board to pay school facility debt.
- (2) Property taxes dedicated to capital outlay and authorized by voters after July 1, 2014, to support the purposes of present law.

New law changes the amount of sales tax dedicated to the program to .13%. New law requires continued use of a portion of such funds to pay school facility debt, in the same amounts being paid on July 1, 2014, until such debt is retired.

Present law requires the school board to make certain payments to charter schools and to make certain extra payments to charter schools that are not housed in facilities provided by the district.

New law provides that facility funds shall be used to make the extra payments to charter schools that are not housed in facilities provided by the district.

Present law prohibits the school board from refinancing or delaying repayment of bonds that are outstanding on July 1, 2014. New law retains present law.

Facilities Office

Present law requires the school board to create a facilities office and dedicates \$15 per pupil to funding the office. New law changes the per pupil amount to \$20.

Present law provides that to the extent such funds are available, the facilities office shall:

- (1) Inspect and monitor facilities to ensure that they are being maintained and that each campus is in compliance with maintenance and inspection requirements.
- (2) Manage building leases, handle emergency repairs, and administer the revolving loan fund and school facility repair and replacement accounts.

New law requires the office to ensure the management of the capital improvement fund and revolving loan fund created by new law, to oversee and ensure proper management of school facility repair and replacement accounts, and to develop and approve long-term capital plans, which are required by new law.

Present law authorizes a facilities office to provide additional facilities services to charter schools, including emergency and capital repairs or replacements, procurement services, and technical assistance, and to charge fees for such services pursuant to a written agreement with the school. New law retains present law.

Present law provides that funding the facilities office is the highest priority on the use of facility funds. New law retains this priority until bonds are retired, after which the school facilities accounts (described immediately below) become the highest priority.

School Facilities Accounts

Present law requires the operator of each school to maintain a school facility repair and replacement account (school facilities account) for each campus.

Present law provides that facility funds remaining after all other priorities are funded are used for school facilities accounts.

New law provides instead that the following amounts shall be deposited annually into these accounts:

- (1) \$800 per student for a school in a facility that was constructed prior to Sept. 1, 2005, and that has not received a renovation exceeding half the value of the facility's replacement cost since that date.
- (2) \$500 per student for other schools.

New law provides that if funds are not sufficient for these deposits, funds shall be deposited in accordance with school board policy.

Present law authorizes use of funds in such accounts for capital repairs and replacements. New law authorizes use of funds in such accounts for capital repairs, improvements, and replacement, including debt service and other financing costs associated therewith.

Present law requires the school board to develop, for each campus, a long-term capital plan.

New law requires the development of such plans by the school facilities office prior to the retirement of bonds of the school board that are outstanding on July 1, 2014, and the updating of such plans by the operator of the school thereafter. New law provides that no more than \$1.5 million may be used for the development of such plans.

Revolving Loan Fund

Present law requires the school board to establish a revolving loan fund and make loans from the fund to schools to finance capital repairs and replacements.

Prior law required annual deposits of facility funds to the revolving loan funds for 20 years following the retirement of the bonds outstanding on July 1, 2014, and provided for a per campus amount or per campus share of facility funds to be deposited. Per campus amounts and shares differed for schools that were constructed prior to Sept. 1, 2005, and that have not received a renovation exceeding half the value of the facility's replacement cost since that date and all other schools. New law removes prior law.

New law provides as follows with respect to the funding of the revolving loan fund (described above) and the capital improvements fund (described below) from facility funds remaining after funds are provided for the facilities office and the school facility accounts.

In the first year following the retirement of bonds of the school board that are outstanding on July 1, 2014, up to \$50 million shall be deposited to the revolving loan fund and remaining funds shall be distributed to the two funds as the school board determines. In subsequent years:

- (1) If less than \$50 million has been deposited to the revolving loan fund, all remaining funds shall be deposited into the revolving loan fund until total deposits reach \$50 million.
- (2) If deposits to the revolving loan fund are \$50 million or more but less than \$75 million, half of such funds shall be deposited to the revolving loan fund and half to the capital improvement fund.
- (3) If deposits to the revolving loan fund are \$75 million or more, 25% of remaining funds shall be deposited to the revolving loan fund and 75% to the capital improvement fund.

Capital Improvement Fund

New law requires the school board to establish the capital improvement fund from which it may make grants to schools to finance preservation, improvements, capital repairs, construction, and replacement of facilities that were constructed prior to September 1, 2005, and that have not received a renovation exceeding half the value of the facility's replacement cost since that date.

New law requires the school board to adopt policies for the administration of the fund, including the expenditure of money in the capital improvement fund, criteria for determining when grants are made from the fund, and regular reports to the school board on fund activity.

Systemwide Needs Program

New law establishes a systemwide needs program in school districts in which failing schools were transferred to the jurisdiction of the RSD to direct initiatives that will result in districtwide improvements in areas that can be addressed more efficiently or effectively at the system level than at the school level.

New law requires the school district to create a special fund to dedicate money to the program. New law provides for the annual deposit into the fund of \$120 per student in the district less the district's expenditures that year for costs identified in present law (relative to certain legacy expenses). New law provides that systemwide needs program funds shall be excluded from certain required payments to charter schools.

New law requires the district superintendent to submit improvement plans to the school board for approval.

New law requires the superintendent to propose an improvement plan to use the systemwide needs fund to support one or more areas of focus for no less than three years and to propose new areas of focus and improvement plans for school board approval not more frequently than once every three years.

New law provides that the approval of such plans requires a majority vote of the full membership of the school board.

New law provides that the superintendent shall implement an approved plan by awarding funds through a competitive process according to policies developed by the school board. Funds may be expended directly by the district, but shall not be used to pay, directly or indirectly, for school district or school board personnel, staff, or operating expenditures.

Funds awarded to schools may be used only for the following purposes: (1) procuring materials, services, or other supports from district-approved organizations or vendors, or (2) providing services for students systemwide that is aligned with one or more board-approved areas of focus.

New law provides that funding applications shall be approved according to school board policy, prohibits expenditures from the fund except as provided in new law, and prohibits expenditures from the fund in excess of the amount approved by the school board for a particular area of focus.

(Amends R.S. 17:100.11; Adds R.S. 17:100.12 and 3995(A)(1)(b)(iv))

School Buses and Charter Schools (Act 377)

Present law requires the State Board of Elementary and Secondary Education (BESE) to adopt regulations for the construction, design, equipment, and operation of school buses and provides that a school bus that meets the latest revised minimum standards for school buses adopted and recommended by certain national entities is in compliance with the BESE regulations.

New law changes prior law references to the national groups and associations that have adopted and recommended the most recent revised minimum standards for school buses.

New law provides that BESE rules and regulations relative to school bus specifications and inspection requirements, operational procedures, and school bus operator and bus attendant pre-employment screening and training requirements apply to charter schools.

Present law prohibits a school bus operator from engaging in a call on a cellular radio telecommunication device while driving a school bus, with exceptions in certain emergency situations. Present law specifies that citizens band radios and citizens band radio hybrids are not cellular radio telecommunication devices.

New law adds that a device with a push-to-talk function used in a similar manner as a citizens band radio or a citizens band radio hybrid is not a cellular radio telecommunication device.

(Amends R.S. 17:164 and R.S. 32:289(B); Adds R.S. 17:3996(A)(18), (19), and (20))

Applied Behavior Analysis Providers (Act 117)

Present law prohibits a public school governing authority from denying student access to behavioral health service providers at school during school hours if requested by the student's parent or legal guardian.

New law adds "applied behavior analysis providers" to present law definition of "behavioral health service provider" in order to allow access to such providers for students in school upon the parent's request.

New law requires public school governing authorities to make their policies available to the public.

New law provides that behavioral health evaluations include recommendations for applied behavior analysis services.

(Amends R.S. 17:173(A)(2)(intro. para.), (B), and (C))

Dual Enrollment in High School and College (Act 128)

Present law provides for a high school career major and allows students to dually enroll in courses under the management and supervision of the Board of Supervisors of Community and Technical colleges or participate in available business internships or work-study programs.

New law expands participation to any Louisiana public postsecondary education institution.

Present law provides for dual enrollment courses.

New law creates the Dual Enrollment Task Force under the jurisdiction of the Board of Regents to make recommendations for the establishment of statewide dual enrollment framework to provide universal access to dual enrollment courses to all qualified public high school juniors and seniors.

New law requires the Board of Regents to submit a written report of task force findings and

recommendations to the Senate and House committees on education by October 1, 2020.

New law provides that the task force shall terminate on June 30, 2021.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:183.3(A)(1)(b) ; adds R.S. 17:2922.1; repeals R.S. 17:187.1-187.5, 3129.1, and 3137)

Public School Student Attendance (Act 398)

Present law requires that a student who is habitually absent from or tardy to school be reported to the family or juvenile court as a truant child.

Present law defines a "virtual school" as a public school, including a charter school, that has a unique site code assigned by the state Dept. of Education and delivers all or a majority of instruction through the internet or other electronic medium, such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher.

New law adds the following relative to defining attendance at virtual schools:

(1) Authorizes each local public school board to adopt a policy defining attendance for purposes of compliance with present law relative to students who are habitually absent or tardy.

(2) Authorizes each chartering authority to adopt in policy or include in charter agreements a definition of attendance, which may include provisions for addressing excessive absences, such as parental notification, student engagement and withdrawal from the school for failure to engage, and referrals to child welfare and attendance officers and family or juvenile courts.

(Amends R.S. 17:236.3)

Personal Financial Management Education (Act 116)

Present law requires that all public school students receive instruction in personal financial management, and for students entering high school, such instruction is required for graduation.

New law adds information relative to student borrowing for postsecondary education as a required component to be included in such instruction.

(Adds R.S. 17:270(B)(3)(e))

Suicide Prevention by Schools (Act 93)

Present law requires the State Bd. of Elementary and Secondary Education (BESE) to prescribe rules, collaboratively with the La. Dept. of Health (LDH) Adolescent Health Initiative, for a youth suicide prevention plan for public schools, including procedures for development of suicide prevention programs by local school systems.

Present law requires local suicide prevention programs to comply with BESE regulations and provides relative to the content of such programs.

New law requires schools offering youth suicide prevention programs to report such participation to the state Dept. of Education (DOE). New law requires DOE to designate such a school as a Suicide Prevention Certified School and to maintain a list of such schools on its website.

New law requires the governing authority of each public and approved nonpublic secondary school that issues student identification cards to have printed on the cards the phone numbers for the National Suicide Prevention Lifeline hotline number and, if available, a local suicide prevention hotline number.

New law provides that present law and new law regarding suicide prevention programs are applicable to charter schools.

Present law requires BESE to adopt guidelines for in-service training of school employees in

suicide prevention, requiring public and approved nonpublic school employees to participate in at least two hours of such training annually.

New law requires that such training address particular specified subjects.

New law requires that the board identify suitable programs and requires coordination with LDH in identification of such programs. New law requires DOE to post a list of approved programs on its website, and requires school employees to participate in such training.

Present law provides for immunity from liability for loss or damage caused by implementation of present law regarding in-service training. New law further provides for such immunity for loss or damage caused by a good faith attempt to implement present law and new law.

New law requires BESE to randomly survey schools regarding compliance with requirements for in-service training and requires submission of a report on survey findings to the legislative education and health and welfare committees.

(Amends R.S. 17:282.4 and 437.1; Adds R.S. 17:3996(B)(54))

La. Early Childhood Education Fund (Act 223)

Present law establishes the La. Early Childhood Education Fund as a special treasury fund administered by the State Bd. of Elementary and Secondary Education (BESE) to award funding to local entities for early childhood care and education through the Child Care Assistance Program (CCAP).

Present law requires that monies in the fund be awarded to BESE-approved local entities to fund early childhood care and education projects through CCAP in Type III early learning centers that have at least one classroom with children age 15 months or younger.

Old law required that the local entity provide matching funds from nonstate sources at a rate of at least two to one. New law provides that federal

funds may not be used as matching funds and changes the minimum match rate to 1:1.

New law authorizes BESE, if there is money in the fund after the board has funded every qualifying project pursuant to present law, to award remaining monies in the fund for the exclusive use of Type III early learning centers to provide quality care for children who are eligible for CCAP and who are ages birth through two.

New law requires BESE to consider the following in selecting recipients of such an award: the CCAP waitlist, child poverty rates, child care needs in terms of the economic development needs of the parish where the center is located, and increasing the availability of high quality early learning centers statewide.

Old law authorized BESE to award additional funding in accordance with CCAP in a local entity's jurisdiction, but prohibits the award from exceeding 50% of the nonstate funds. New law removes old law.

(Amends R.S. 17:407.30(D) and (E))

Confidentiality of Identity of Child Care Complainants (Act 244)

New law provides that the identity of a person making a complaint about fraud in the Child Care Assistance Program and the records of investigations of such complaints by the Dept. of Education (DOE) shall be confidential and shall not be subject to the Public Records Law.

Present law requires DOE to report all complaints, including but not limited to complaints alleging child abuse or the prevention or spread of communicable diseases, against any early learning center to the appropriate agencies for investigation and disposition.

New law provides that the identity of a person making a complaint against an early learning center and the records of investigations by the department of such complaints, including complaints about fraud in the Child Care Assistance Program, shall be confidential and shall not be subject to the Public Records Law.

New law provides that the identity of a person making a complaint against a family child care or in-home provider and the records of investigations of such complaints by the department, including complaints about fraud in the Child Care Assistance Program, shall be confidential and shall not be subject to the Public Records Law.

(Amends R.S. 17:407.47 and 407.65 and R.S. 44:4.1(B)(9); adds R.S. 17:407.28(E))

Alleged Student Terrorists (Act 209)

Old law, relative to a student reported to a law enforcement agency for a threat of violence or terrorism, provided for a judicial hearing on whether the student should undergo a mental health evaluation, and provided that the student shall not be permitted to return to school until undergoing a formal mental health evaluation.

New law instead provides that a student who is the subject of a complaint and investigation may be permitted to return to school by the school administration if at any point prior to a hearing the threat is determined not to be credible or by order of the court after a hearing.

Present law requires the law enforcement agency to file a petition with the appropriate judicial district court for a mental health evaluation. New law instead provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report it to the district attorney, who may file such a petition.

(Amends R.S. 17:409.5(A)(1))

Public School Crisis Plans (Act 44)

New law provides that, when conducting the annual review of the crisis management and response plan for a high school, the school principal shall seek and consider input from the students enrolled in the school who shall be represented by either the president of the senior class, or the president of the student council, and at least one other responsible student selected by the principal.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416.16(B))

Special Education Advisory Councils (Act 274)

New law requires each local public school superintendent and the administrative head of each charter school to establish a special education advisory council to provide advice and feedback regarding special education policies, procedures, and resources and engage in community outreach, as follows:

- (1) Each council must be created not later than January 1, 2020.
- (2) The number of members shall be determined by the local public school superintendent or the administrative head of each charter or other public school and the membership shall meet certain composition requirements.
- (3) Each local public school superintendent and administrative head of a charter or other public school shall seek applications for council membership from parents of students with an exceptionality, teachers, principals, paraprofessionals, and other stakeholders.
- (4) Each special education advisory council shall meet at least three times a year and shall submit a written report to the superintendent or the administrative head of the charter school or other public school in May of each year regarding its activities.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1944.1 and 3996(B)(54))

Louisiana Health Works Commission (Act 336)

New law changes the members of the commission and of its executive committee.

Effective August 1, 2019.

(Amends R.S. 17:2048.51)

Louisiana National Guard Youth Programs (Act 402)

Prior law provided for the Grant Opportunity for Youth ChalleNGe Skills Training Program (GO-Youth ChalleNGe), for students who graduate from the La. National Guard's Youth ChalleNGe Program with a general education diploma, to receive a grant for postsecondary education skills training.

New law extends eligibility to GO-Youth ChalleNGe students who graduate from the La. National Guard's Youth ChalleNGe Program and earned a BESE-issued diploma or its equivalent. New law expands postsecondary education options for these students to include a certificate, diploma, or associate or baccalaureate degree required for a high-demand, high-skill, high-wage career.

Prior law required a student to meet certain other eligibility requirements, including enrolling in an eligible postsecondary institution not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date the student graduated from the La. National Guard's Youth ChalleNGe Program.

New law provides that, effective the 2020-2021 award year and thereafter, the administering agency may, by rule, provide for an earlier or later initial enrollment date.

Prior law provided for the program to be administered by the La. Student Financial Assistance Commission, and authorizes the commission to prescribe appropriate rules and regulations for the program.

New law clarifies that the administering agency is the Board of Regents, through the office of student financial assistance.

Effective August 1, 2019.

(Amends R.S. 17:3050.1, 3050.2, 3050.3, and 3050.4)

Textbooks and Other Educational Resources (Act 125)

Proposed law defines "affordable educational resource" (AER) and "open educational resource" (OER).

New law provides for greater availability and use of affordable textbooks and other educational resources by requiring public postsecondary education institutions, beginning with Fall 2020, to:

- (1) use a conspicuous symbol, logo, or other distinguishing feature to highlight each course included in its course schedule that exclusively utilizes AER or OER course materials and ensure that these course materials comply with applicable federal law.
- (2) clearly communicate to students how to access AER and OER course materials.
- (3) provide summary data as requested by the Board of Regents regarding courses that exclusively utilize AER and OER course materials.
- (4) publish the course schedule and required textbooks on their website prior to opening course registration, but not later than thirty days prior to the beginning of each academic term.

New law requires that this information be provided to The Louisiana Library Network, individual campus libraries, and other entities or programs specified by the Board of Regents.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3129.9)

The Louisiana Library Network (Act 248)

New law authorizes the Board of Regents to carryover unspent interagency transfers and self-generated revenue on behalf of LUMCON and LOUIS: The Louisiana Library Network for the next fiscal year.

New law authorizes the Board of Regents on behalf of LOUIS to retain unspent self-generated revenue instead of reverting to the State General Fund.

(Adds R.S. 17:3129.9)

Northwest Louisiana Technical Community College (Act 287)

New law renames the Northwest La. Technical College as the Northwest La. Technical Community College (NLTCC).

New law expands NLTCC's mission to include providing a comprehensive educational program that meets the needs of the students and communities within its primary service delivery area.

New law authorizes NLTCC to grant certificates, diplomas, associate degrees, and associate transfer degrees.

(Amends R.S. 17:3217.1; Adds R.S. 17:3233)

Publication of School Progress Profiles (Act 148)

Present law requires the state Dept. of Education (DOE) to establish a standardized data collection and analysis system to collect data from schools and school systems for the purpose of preparing and producing progress profile reports.

New law adds a requirement that the progress profiles be published on DOE's website.

Relative to the collection of student discipline information, new law specifies that such information be collected in total and by unduplicated counts, disaggregated by race, ethnicity, gender, sex, English learner status, and students with exceptionalities, excluding gifted and talented, in accordance with data collection

conducted pursuant to federal law (relative to data collected to ensure compliance with civil rights laws), including but not limited to information on student suspensions, expulsions, removals to alternative settings, referrals to law enforcement, and school-related arrests.

New law adds the number of school resource officers to the list of information that shall be collected on a per school basis.

Present law authorizes local public school systems and nonpublic schools to enter into agreements with local law enforcement agencies to provide for school resource officers.

New law requires a local public school system that has entered into such an agreement to annually report to the DOE the total number of school resource officers provided to the system.

(Amends R.S. 17:3911 and 3912; Adds R.S. 17:416.19(D))

Sexual Assault on College Campuses (Act 157)

Old law required that, when funding is made available, each public postsecondary education institution shall administer an annual, anonymous sexual assault climate survey to its students.

New law removes the stipulation that administration of the survey is subject to funding and changes frequency of administration of the survey from annual to triennial.

New law allows for inclusion of sexual assault climate survey as separate and clearly identified component of broader campus safety surveys.

Present law requires the Bd. of Regents, in consultation with the public postsecondary education management boards, to establish procedures for the administration of the survey.

Present law requires the Bd. of Regents to:

- (1) Submit a written report, not later than Sept. 1st of each year, regarding the survey results to the House Committee

on Education, Senate Committee on Education, and the governor.

- (2) Publish the survey results on the board's website.

New law changes frequency of submission of written report from every year to every three years, with the first report due by Sept. 1, 2023.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3399.17; Repeals R.S. 17:3351(H))

Public School Fees (Act 240)

New law requires each public school governing authority to adopt and publish on its website a policy for the assessment, collection, and use of fees charged to students or their parent or legal guardians.

New law defines "fees" as any monetary payment or supplies required as a condition of a student being enrolled in school or participating in any curricular or cocurricular activity, excluding the cost of school meals.

New law requires specified components to be included in such policies including fee lists, amounts, and use, a process for requesting waivers due to economic hardship, and an appeals process when waivers are denied.

Present law, relative to the Student Scholarships for Educational Excellence Program, specifies requirements relative to schools (nonpublic and public) that participate in the program. Present law requires that participating schools accept the scholarship amounts provided to scholarship recipients as full payment of all educational costs, including incidental or supplementary fees that are charged to all enrolled students, including but not limited to meals, field trips, and before- or after-school care.

New law additionally requires participating schools to identify all such fees that are paid with the scholarship.

New law provides that for any fees not charged to all enrolled students and not paid by the scholarship, the school shall adopt and disseminate to parents of scholarship recipients a policy that outlines the fee, its purpose, the amount charged, and a process by which parents of scholarship recipients may apply for and receive a waiver of the fee due to economic hardship, including objective criteria for granting such waivers. New law requires that such policy shall include a statement prohibiting the education records of a scholarship recipient from being withheld due to failure to pay any fine, debt, or other outstanding obligation.

New law provides that school supplies requested by classroom teachers of a student's parent or legal guardian shall not exceed a published amount per student per school year as determined by the public school governing authority. New law requires school principals to approve school supplies. New law requires that before assessing a school supplies fee or developing a school supply list, the existing school supply inventory shall be considered.

New law provides that a student shall not be denied the opportunity to participate in a classroom activity due to his inability to provide requested supplies.

(Amends R.S. 17:4022(4); Adds R.S. 17:177, 178, and 3996(B)(54) and (55); Repeals R.S. 7:177(F))

Disposal Of Certain Charter School Facilities (Act 431)

New law provides a process for a nongovernmental charter school facility owner to dispose of a school facility that was financed in whole or in part through tax exempt bonds that have been paid in full.

New law requires the owner to first offer to transfer the title, at no cost, to the charter operator that is operating a school within the facility.

If the charter operator accepts the offer, the transfer agreement shall stipulate that if the operator ceases to operate a public school in the

facility, the charter operator shall transfer the title, at no cost, to the school's chartering authority.

If the charter operator declines the offer, the owner shall next offer to transfer the title, at no cost, to the chartering authority. If the chartering authority is the State Bd. of Elementary and Secondary Education (BESE), then:

- (a) If BESE declines the offer, the owner shall next offer to transfer the title, at no cost, to the local school board of the school system within which the facility is located.
- (b) If BESE accepts the offer and later wishes to dispose of the facility, it shall first offer to transfer the title, at no cost, to the local school board of the school system within which the facility is located.

New law provides that an offer to transfer title pursuant to new law shall extend for a period of not less than 60 days.

Effective August 1, 2019.

(Amends R.S. 17:3982(B)(1))

TITLE 18: LOUISIANA ELECTION CODE

Louisiana Election Code (Act 374)

Present law provides that in years when the U.S. president proclaims a National Voter Registration Day, the official state voter registration week is the full week in which the National Voter Registration Day occurs.

New law provides that, in such years, if the National Voter Registration Day occurs after the close of the registration records for the regular fall primary election, the official state voter registration week is instead two weeks prior to the close of registration records for the regular fall primary election. Otherwise retains present law.

Present law requires the parish governing authority to fill a vacancy in the office of registrar

within 30 days after the date on which the vacancy occurs. New law changes 30 days to 90 days.

New law provides that an appointment to fill a vacancy that is made prior to the time the office actually vacated is premature and without effect.

Present law provides for the content of the form in registering qualified citizens to vote.

Prior law provided that if the registrant is unable to sign his name to the application, he shall sign it with his mark, witnessed by the signatures of two witnesses, and the application must state that he is unable to sign his name. New law deletes prior law.

New law adds that if the applicant is unable to write, the applicant shall affix his mark to the application in the presence of two witnesses who shall also sign their names as witnesses to the mark.

Present law provides that prior to the closing of registration for an election, a registrant who changes his address within the parish may change his registration without reregistering by making application by mail to the registrar or by appearing in person.

New law adds that the person may change his registration by making application electronically.

Present law authorizes each candidate, on election day, to have one watcher at every precinct where the office he seeks is voted on. Present law requires the candidate or his authorized representative to file a list of watchers with the clerk of court.

New law additionally requires a list of watchers to be filed with the clerk of court in each parish where the candidate will have watchers, if the office that the candidate seeks is voted on in more than one parish.

Present law provides relative to parish executive committees, including qualifications of members, elections, meetings, officers, and powers. Present law provides that a vacancy in the membership of

the committee is filled by appointment of the committee. Present law provides that the committee may appoint a qualified resident of the parish for a vacancy in an at-large position. Present law provides that the committee may appoint a qualified resident of the district for a vacancy in a district position or, if no such person will accept, a qualified resident of the parish.

New law adds that if there are not enough members of the parish executive committee to fill a vacancy in the membership left by an at-large representative, the chairman of the state central committee of that political party may appoint a qualified resident of the parish to fill the vacancy.

New law provides that if there are not enough members of the parish executive committee to fill a vacancy in the membership left by a representative of a district, the chairman of the state central committee of that political party may appoint a qualified resident of the district to fill the vacancy.

New law provides that if no qualified resident of the district will accept the membership, the chairman of the state central committee of that political party may appoint any qualified resident of the parish to fill the vacancy.

Prior law provided for the terms of members of certain parish executive committees in Orleans Parish elected in 1992. New law deletes prior law.

Present law provides for the content of the notice of candidacy that must be filed by a candidate when the candidate qualifies for the election, which includes a certification that the candidate is not currently under an order of imprisonment for conviction of a felony.

New law specifies that the certification does not apply to a candidate for U.S. senator or representative in congress.

New law requires a candidate for an office other than U.S. senator or representative in congress to certify the following:

- (1) That he is not prohibited from qualifying as a candidate for conviction of a felony.

- (2) Except for a candidate who resides in a nursing home or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence that he is registered and votes in the precinct in which that residence is located.

Present law provides that, if there are only two candidates remaining in a primary or general election for public office, the secretary of state will accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the election, and the remaining candidate is declared the winner.

New law provides that the secretary of state will accept a withdrawal when the number of candidates remaining in a primary or general election for public office is one more than the number of persons to be elected to the office, instead of two. New law provides that the remaining candidate or candidates is declared the winner. Otherwise retains present law.

Present law provides for the establishment of precincts by the parish governing authority.

New law additionally requires the parish governing authority to furnish to the registrar and secretary of state geospatial shape files if available for the specified districts.

Present law provides for the content of the ballot, including the listing of the names of candidates. Present law provides that if two or more candidates have the same surname, the word "Incumbent" shall be listed after the name of each candidate having the same surname who is an incumbent and the residence address shall be listed after the name of each candidate having the same surname who is not an incumbent.

New law additionally requires the residence address to be listed after the name of an incumbent.

Present law provides for assistance in voting on election day. Present law requires a person who seeks assistance in voting to file certain required documentation with the registrar prior to voting

or to present certain documentation to election officials at the polls.

New law adds that a person who seeks assistance may provide the registrar a completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

Prior law provided that the original record of a challenge, signed by the challenger, shall be placed in the envelope marked "Put in Voting Machine" and shall be preserved as part of the election returns. Prior law required the duplicate record of the challenge and address confirmation card to be placed in the envelope marked "Registrar of Voters" and the envelope to be attached to the precinct register.

New law deletes prior law. New law provides instead that the original record of the challenge and the address confirmation card shall be placed in the envelope marked "Registrar of Voters". New law provides that a duplicate record of the challenge shall be placed in a clear plastic zipper bag and returned to the clerk of court on election night.

Present law requires the commissioners to complete Certificate No. 2 of the composite certificate designated "Machine Certificates". New law adds the certificate must be completed in triplicate.

Present law requires the commissioners to place certain documents in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

New law adds that one copy of the machine certificates must be included in the envelope.

Prior law required the commissioners to place all duplicate records of challenges in the envelope marked "Registrar of Voters". New law provides instead that all original executed challenges of voters must be placed in the envelope.

Prior law required the commissioners to place original challenges of voters in the envelope

marked "Secretary of State's Envelope". New law deletes prior law.

Prior law provided that at the opening of the voting machines, the clerk of court shall immediately remove the envelope marked "Put in Voting Machine" and shall preserve the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow them to be inspected by anyone until the delay for filing an action contesting any election to office has lapsed. Prior law provided that if an action contesting any election to office is commenced timely, the clerk shall continue to preserve these records inviolate, subject to the orders of the court, until the final judgment in the action has become definitive. New law repeals prior law.

Prior law provided for receipt by the registrar of duplicate record of challenges of voters made during the election. New law provides instead that the registrar receives the original record of challenges of voters made during the election.

Present law provides that the parish board of election supervisors may complete a notation of irregularities form to document certain specified irregularities observed by the board.

Prior law required the notation of irregularities to be executed in triplicate. New law deletes prior law.

Present law, relating to the nomination of slates of candidates for presidential elector, refers to slates of independent candidates.

New law refers to candidates not affiliated with a recognized political party, instead of independent candidates.

Present law provides that no recall petition may be submitted for certification to or accepted for certification by the registrar of voters or any other official if less than six months remain in the term of office.

New law additionally prohibits the secretary of state from accepting a recall petition for filing if less than six months remain in the term of office.

Present law provides that if the recall election is to be held on a primary election date, the governor's proclamation ordering a recall election must be issued on or before the last day for candidates to qualify in the election.

New law provides instead that if the recall election is to be held on a primary election date, the proclamation must be issued at least four weeks prior to the opening of the qualifying period for the primary election.

New law adds that the signature on the acknowledgment by a person providing assistance may serve as the signature of the witness to a certificate an absentee voter must sign.

Present law provides for the tabulation and counting of absentee by mail and early voting ballots by the parish board of election supervisors. Present law provides that each person, except a person providing security to the parish board of election supervisors or a person authorized by the secretary of state to provide technical assistance, who enters the location in which the absentee by mail and early voting ballots are being counted and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed.

New law adds that the following may enter the location in which the absentee by mail and early voting ballots are being counted and tabulated, and are allowed to leave without being accompanied by a law enforcement officer and may communicate with a person outside: a representative of the attorney general, with written approval of the secretary of state; the clerk of court; and the registrar of voters.

Prior law provided that if the board determines that an absentee by mail ballot is valid, a member of the board must write the words "voted by mail" and his initials on the absentee by mail voter report beside the name of the voter as it appears on the report.

New law provides instead that if the board determines that an absentee by mail ballot is valid, a member of the board must make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report.

New law provides that "voting system" means the total combination of equipment, including voting machines, used to define ballots, cast and count votes, report or display election results, and maintain and produce any auditable data and the software, firmware, hardware, and documentation required to program, control, and support such equipment.

New law provides that "voting system" also includes the vendor's practices and documentation used to identify system components and versions of such components, test the system during its development and maintenance, maintain records of system errors and defects, determine specific system changes made after initial certification, and make available any materials to the voter.

New law provides that the secretary of state may prescribe uniform rules, instead of requiring such rules, and provides that such rules apply to voting systems.

Prior law provided procedures and requirements for examination, testing, evaluation, certification, approval, and procurement of voting machines and absentee by mail and early voting counting equipment. New law amends prior law so that it applies to voting systems and system components instead of voting machines and counting equipment.

Prior law provided requirements for the construction and equipment of voting machines. New law removes requirements in prior law other than those relating to including a sound-creating device that indicates when a voter has left a machine after casting his vote and allowing for the challenge removal of early voting ballots.

Present law provides that any duplicate or extra keys to the voting machines shall be sealed in an

envelope by the parish custodian and the secretary of state and placed in a safe place.

New law prohibits the seal from being broken or the keys used in any manner except with the consent of the parish custodian or secretary of state, instead of both the parish custodian and the secretary of state.

Present law specifies permissible election expenses incurred by clerks of court. New law adds to the list of specified expenses those expenses incurred by a clerk of court to pay for law enforcement officers to control traffic on election day to the extent permitted by present law (R.S. 18:428), which generally provides, with certain exceptions, that law enforcement officers may not be stationed at polling places on election day.

Present law requires any local governing authority or school board that receives a request for reimbursement of election costs to pay such reimbursement promptly.

Prior law additionally provided that interest on any unpaid balance shall be added to the amount of any such reimbursement for which payment has not been received by the 60th day after the date of billing by the secretary of state and that such interest shall be at an annual percentage rate of 15% and shall be received by the secretary of state to be remitted to the state treasurer. New law repeals prior law.

Present law provides remedies for a trial court in an action contesting an election for public office and a recall election. New law adds remedies for an action contesting an election on a proposition.

Present law provides procedures and requirements for conducting a revote when a voting machine malfunctions. New law extends present law applicable to a malfunction of the results tape and results cartridge.

New law becomes effective upon signature of the governor or January 1, 2020.

(Amends numerous provisions of Title 18)

Military I.D. Cards (Act 133)

Present law requires election officials to establish the identity of a person who seeks to vote at a polling place during early voting or on election day.

New law adds to the acceptable forms of identification a U.S. military identification card that contains the person's name and picture.

Effective Jan. 1, 2020.

(Amends R.S. 18:562(A)(2) and (C) and 1309(D)(1))

Publication of Election Costs (Act 205)

Present law provides relative to the election costs to be paid by the secretary of state and governing authorities and provides the manner in which such expenses may be prorated between the state and all local entities participating in the election.

Present law requires that notice of the election shall be given and provides for the content of the notice.

New law requires the notice to contain the estimated cost of the election as determined by the secretary of state based upon the provisions of present law.

Present law requires the governing authority to promulgate the result of the election by publication in a newspaper.

New law adds a requirement that the governing authority include in the publication a statement of the actual cost of the election as determined by the secretary of state in accordance with present law.

New law is applicable to all bond, debt, and tax elections called after Sept. 23, 2019.

(Amends R.S. 18:1292; Adds R.S. 18:1285(A)(1)(a)(v))

Bribery of Voters (Act 399)

New law provides that, upon a conviction for bribery of voters, in addition to ordering a fine and/or imprisonment under present law, the court may order restitution as a part of the sentence. New law provides that restitution may include payment for any costs incurred, including reasonable attorney fees, by a candidate who brought an action contesting an election wherein the court found that one or more of the votes cast in the contested election were illegal based on the actions of the defendant and the court changed the result of the election or ordered a new election to be held.

(Adds R.S. 18:1461(D))

TITLE 19: EXPROPRIATION

TITLE 20: HOMESTEADS AND EXEMPTIONS

TITLE 21: HOTELS AND LODGING HOUSES

TITLE 22: INSURANCE

Louisiana Obamacare Back-Up Plan (Act 412)

New law, which takes effect only after certain delays following a final and definitive judgment ruling the Patient Protection and Affordable Care Act, P.L. 111-148, (ACA) unconstitutional, requires every health insurance policy or contract issued or issued for delivery in this state to adhere to certain standards. New law provides for open enrollment, rate setting, and coverage for dependent children who are under the age of 26. New law prohibits preexisting condition exclusions and annual and lifetime limits.

New law requires the attorney general to notify the commissioner, the legislature, and the Louisiana State Law Institute if a judgment ruling the ACA unconstitutional becomes final and definitive. New law provides that the provisions

of new law take effect ninety days after receipt by the commissioner of the notification.

New law requires that health insurance policies cover "essential health benefits" and charges the commissioner with defining the essential health benefits that are required. New law specifies that the definition shall include certain categories; among these are ambulatory patient services, emergency services, hospitalization, maternity and newborn care and pediatric services, mental health services, prescription drugs, and wellness services.

New law provides a framework for monitoring, assessing, and updating the definition of essential health benefits package.

New law requires initial administrative rules to be adopted ninety days after final judgment of a court of competent jurisdiction on the constitutionality of ACA. New law authorizes the commissioner to issue emergency rules without finding an emergency exists.

New law applies to any health insurance policy or contract issued or issued for delivery in this state beginning ninety days after the attorney general notifies the commissioner that the ACA has been ruled unconstitutional. New law does not abridge or affect the provisions of insurance policies or contracts already in effect until the policies or contracts are renewed.

New law provides that in case of any conflict between the provisions of new law and any other provision of law, the provisions of new law shall control unless application of new law results in a reduction in coverage for any insured.

New law provides that applicability of new law shall occur only if the current federal tax credit is held to be valid by a court of competent jurisdiction or is otherwise enforceable at law, or unless adequate appropriations are timely made by the federal or state government in an amount that is calculated in the same manner as the tax credit in Section 1401 of the Patient Protection and Affordable Care Act.

New law provides that it shall not apply to grandfathered coverage, health benefit plans in the large groups or to the large group market, or to limited or excepted benefits policies as defined in prior law.

New law establishes the "Louisiana Guaranteed Benefits Pool" to be administered by the commissioner of insurance, which shall be a risk-sharing program to provide payment to health insurance issuers for claims for healthcare services provided to eligible individuals with expected high healthcare costs for the purpose of lowering premiums for health insurance coverage offered in the individual market.

New law establishes program operations and parameters, actuarial analysis, approval of the program by the Joint Legislative Committee on the Budget, and enrollment or participation limitations.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 22:11.1 and 1121-1138)

Insurance License Applicant (Act 66)

Present law requires, in order to transact a business of insurance in this state, a person to be properly qualified as an insurer of a type permitted by law by applying for a license or certificate of authority with the commissioner of insurance.

New law extends present law to require that all persons applying for a license or certificate of authority shall notify the commissioner of insurance of any changes to the content of their application.

Effective July 1, 2019.

(Adds R.S. 22:12.1)

Merger of Foreign or Alien Insurers (Act 108)

Present law provides that whenever a foreign or alien insurer shall be the surviving insurer of a statutory merger, it shall file two copies of the

agreement and certificate of merger duly authenticated with the commissioner of insurance who shall file one with the secretary of state.

New law changes two copies to one copy of the agreement and certificate of merger, duly authenticated, to only be retained by the commissioner of insurance.

Effective Jan. 1, 2020.

(Amends R.S. 22:340)

Insurance License Fees (Act 226)

Present law provides that the commissioner of insurance shall collect fees on licenses for all insurance producers.

New law increases the initial company appointment fee of an individual from \$20 to \$30.

New law provides that the renewal company appointment fee shall be \$20 and paid yearly by January 1.

New law provides a fee for an initial company appointment of a business entity and a renewal which shall occur yearly by Aug.1 in the amount of \$100.

Old law provided for an assessment on each property and casualty insurer up to 1% of the direct premiums. New law repeals old law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:821; Repeals R.S. 22:1476(B) and (C))

Insurance Premium Refunds (Act 225)

Present law provides that the insurer shall pay to the insured any unearned portion of any premium paid upon cancellation of an insurance policy by the insured. New law retains present law.

Old law provides an option for mortgagees to provide a written notice to the insurer that a percentage of the unearned premium was paid

from the mortgagee's own funds which requires that percentage of the unearned premium to be refunded to the mortgagee. New law repeals old law.

(Amends R.S. 22:885(B))

Health Insurer Data Disclosure (Act 112)

Present law requires insurers to provide notice of policy renewals to employer groups who are comprised of 100 or more enrolled employees.

New law expands present law to require insurers to provide notice of policy renewals to all large employer groups who have employees enrolled for insurance coverage or to the employer group's appointed insurance agent or broker.

Present law authorizes an employer group, no later than 80 days prior to the date of renewal or termination, to make written request, by certified mail, to the group insurance issuer for the currently available utilization data and aggregate paid claims and premium data accumulated for the period of the current policy year and requires the health insurance issuer to provide this data, to the employer group or the employer group's appointed insurance agent or broker, within 14 business days of receipt of the request.

New law requires the group insurance issuer to provide, upon request by the employer group or the employer group's appointed insurance agent or broker, the currently available utilization data and aggregate paid claims and premium data accumulated for the period of the current policy year, to the employer group or the agent or broker within 14 business days of receipt of the initial request and monthly thereafter.

(Amends R.S. 22:978(D))

Required Coverage for Genetic Testing (Act 118)

New law requires any health benefit plan delivered or issued for delivery in this state to include coverage for the cost of testing of the BRCA1 and BRCA2 genes to detect an increased risk for breast and ovarian cancer when

recommended by a healthcare provider in accordance with the U.S. Preventive Services Task Force recommendations for testing.

The coverage required by new law may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

New law applies to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2020. Any policy, contract, or health coverage plan in effect prior to Jan. 1, 2020, shall convert to conform to the provisions of proposed law on or before the renewal date, but no later than Jan. 1, 2021.

Effective Jan. 1, 2020.

(Adds R.S. 22:1028.1)

Stage-Four Advanced, Metastatic Cancer (Act 120)

New law prohibits a health coverage plan from using step therapy or fail first protocols as the basis to restrict any prescription benefit for the treatment of stage-four advanced, metastatic cancer or associated conditions if at least one of the following criteria is met:

- (1) The prescribed drug or drug regimen has the U.S. Food and Drug Administration approved indication.
- (2) The prescribed drug or drug regimen has the National Comprehensive Cancer Network Drugs and Biologics Compendium indication.
- (3) The prescribed drug or drug regimen is supported by peer-reviewed, evidenced-based medical literature.

New law shall not apply if the health coverage plan's preferred drug or drug regimen is considered clinically equivalent for therapy, contains the identical active ingredient or ingredients, and is proven to have the same efficacy or is considered a higher ranked evidence-based option for therapy as compared to

the prescribed drug or drug regimen according to the National Comprehensive Cancer Network Guidelines Categories of Evidence and Consensus or the Categories of Preference.

New law provides that different salts proven to have the same efficacy shall not be considered as different active ingredients.

New law requires the treating physician to inform the health coverage plan if a drug is prescribed for a condition associated with stage-four advanced, metastatic cancer when requesting authorization.

New law defines "stage-four advanced, metastatic cancer" as cancer that has spread from the lymph nodes or other areas or parts of the body.

New law defines "associated conditions" as the symptoms or side effects associated with stage-four advanced, metastatic cancer or its treatment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1053)

Health Plan Notice of Alternative Medicines (Act 206)

New law requires, if a prescribed drug is denied by a health coverage plan based upon step therapy or fail first protocols, the health coverage plan to provide the prescriber with a list of the alternative comparable formulary medications in writing and attached to the letter of denial of prescription drug coverage.

New law adds the requirement that, if a prescribed drug is denied by the issuer of a health benefit plan based upon the drug's nonformulary status, the issuer shall provide the prescriber with a list of the alternative comparable formulary medications in writing and attached to the letter of denial of prescription drug coverage.

It is sufficient to meet the requirements of new law if the issuer of the health coverage plan or health benefit plan includes the required

information in the denial letter sent by the health coverage plan or its agent.

Simple notification of the availability and location of the formulary shall not be deemed sufficient to meet the requirements of new law.

(Amends R.S. 22:1053 and 1060.2)

Health Insurance Benefit Limits (Act 212)

New law requires any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2020, to provide coverage without any lifetime limit or annual limit on the dollar amount of benefits for any individual.

New law applies only to covered benefits that are either of the following:

- (1) included among the covered benefits of the base-benchmark plan selected for the state of Louisiana for calendar year 2019.
- (2) required as a state mandated health benefit pursuant to the La. Insurance Code.

New law does not apply to limited benefit health insurance policies or contracts or to a health coverage plan that meets all of the following criteria:

- (1) is health insurance coverage offered only to individuals in the individual market.
- (2) covers only individuals who have been continuously covered by the health coverage plan since March 23, 2010.
- (3) is qualified as a grandfathered health plan coverage pursuant to federal law as of calendar year 2019.

New law shall not be interpreted to require any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state to include particular covered benefits.

(Adds R.S. 22:1066.1)

Required Coverage for Breast Cancer (Act 119)

Present law requires any health coverage plan which is delivered or issued for delivery in this state to include benefits payable for a minimum mammography examination.

New law retains present law and requires any health coverage plan delivered or issued for delivery in this state to include coverage for diagnostic imaging at the same level of coverage provided for the minimum mammography examination pursuant to present law.

New law defines "diagnostic imaging" as a diagnostic mammogram or breast ultrasound screening for breast cancer designed to evaluate an abnormality in the breast that is any of the following:

- (1) Seen or suspected from a screening examination for breast cancer.
- (2) Detected by another means of examination.
- (3) Suspected based on the medical history or family medical history of the individual.

New law authorizes the health coverage plan to require a referral by the treating physician based on medical necessity for the diagnostic imaging to be eligible for the required coverage, but prohibits the coverage from being subject to any policy or health coverage plan deductible amount.

New law provides that any provision in a health insurance policy, benefit program, or health coverage plan delivered, renewed, issued for delivery, or otherwise contracted for in this state which is contrary to proposed law shall, to the extent of the conflict, be void.

Present law requires any health benefit plan offered by a health insurance issuer that provides medical and surgical benefits with respect to a partial or full mastectomy to also provide medical and surgical benefits for breast reconstruction.

New law retains present law but clarifies that present law applies to both a full unilateral mastectomy and a full bilateral mastectomy.

Present law defines "breast reconstruction" as all stages of reconstruction of the breast on which a mastectomy has been performed and on the other breast to produce a symmetrical appearance, including but not limited to liposuction performed for transfer to a reconstructed breast or to repair a donor site deformity, tattooing the areola of the breast, surgical adjustments of the nonmastectomized breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but not limited to lymphedemas.

New law retains present law but clarifies that present law applies to a unilateral mastectomy and expands the definition to include all stages of reconstruction of both breasts if a bilateral mastectomy has been performed.

New law requires any health benefit plan offered by a health insurance issuer that provides medical and surgical benefits with respect to a partial mastectomy or a full unilateral or bilateral mastectomy to provide coverage for the medical and surgical treatment and corresponding breast reconstruction chosen by a patient diagnosed with breast cancer in consultation with the attending physician, regardless of whether a partial mastectomy or a full unilateral or bilateral mastectomy is chosen by the patient and physician.

New law prohibits any health benefit plan offered by a health insurance issuer that provides medical and surgical benefits with respect to a partial mastectomy or a full unilateral or bilateral mastectomy from denying coverage for those surgical procedures, including corresponding breast reconstruction, chosen by a patient diagnosed with breast cancer in consultation with the attending physician.

New law applies to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2021. Any policy, contract, or health coverage plan in effect prior to Jan. 1, 2021, shall

convert to conform to the provisions of proposed law on or before the renewal date, but no later than Jan. 1, 2022.

Effective Jan. 1, 2021.

(Amends R.S. 22:1077; Adds R.S. 22:1028.1 and 1077.2)

Dental Plans and Payments (Act 49)

New law defines credit card payment as a type of electronic funds transfer in which a dental plan or its contracted vendor issues a single-use series of numbers chargeable for a predetermined dollar amount associated with the payment of dental healthcare services.

New law defines electronic funds transfer as an electronic funds transfer through the federal Health Insurance Portability and Accountability Act standard automated clearinghouse network.

New law restricts a dental plan that is delivered, renewed, issued for delivery, or otherwise contracted for from limiting methods of payment from the dental plan to the dentist to credit card payments.

New law requires a dental plan which initiates or changes payments to a dentist using electronic funds transfer payments or credit card payments to:

- (1) notify the dentist if any fees are associated with a particular payment method, and
- (2) advise the dentist of all available methods of payment and provide clear instructions to the dentist as to how to select an alternative payment method.

New law prohibits the waiver by contract of new law.

Effective August 1, 2019.

(Amends R.S. 22:1157(A); adds R.S. 22:1157(D))

Commercial Motor Vehicles Information (Act 262)

New law requires each auto insurance company to submit information regarding commercial motor vehicles to the commissioner each year by May first for the prior calendar year, beginning in 2020.

New law requires the commissioner to aggregate and publish the information by ZIP code and parish on the dept.'s website and to post a general description of the rate-making methodology used for commercial motor vehicles.

New law provides that "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle meets one of various requirements:

New law specifies that the information shall include: (1) the total amount of direct paid losses less all deductibles, (2) the number of policies written, and (3) the direct written premiums.

New law allows the commissioner to authorize late submission, and requires the commissioner to notify a company that fails to report that the company has 30 days to come into compliance.

New law mandates a \$10,000-per-month fine for continued failure to comply, and specifies that fines may be waived or reduced only by legislative act.

New law requires the commissioner to waive or modify the reporting requirements of new law if an insurance company does not store the information; must make material changes to computer systems to provide the information; or must significantly divert limited resources to provide the information.

New law requires the information reported pursuant to new law to be treated as confidential, to be used solely for the purposes authorized in new law, and to be exempt from the Public Records Law.

New law excludes creditor-placed automobile insurance from the requirements of new law.

New law shall be void on May 1, 2025.

Effective August 1, 2019.

(Amends R.S. 44:4.1(B)(11) and 4.1(B)(11) as amended by Acts 2018, No. 371, §2; adds R.S. 22:1290.1)

Homeowners' Policy Disclosure Requirements (Act 194)

Present law requires any homeowners' insurance policy issued in La. which provides coverage for damage to property to include certain disclosures; among these are the coverages included in the policy, whether floor or mold is covered, notification and other time line provisions applicable to claims, and certain information related to deductibles.

New law adds a requirement that each policy contain a disclosure that making improvements or modifications to the property, such as adding storm shutters, modifying the roof design, and improving the roof covering, may reduce the cost of the policy's premium and advising the homeowner to contact the insurance producer or insurer on qualifying improvements or modifications.

New law requires the commissioner of insurance to promulgate a form required by new law no later than November 30, 2019.

New law is effective six months after promulgation of the required form.

(Adds R.S. 22:1332(B)(8))

Bail Bonds Rates (Act 54)

Present law provides the premium rate set for commercial surety underwriters writing criminal bail bonds in the various courts throughout the state is 12% of the face amount of the bond, or \$120, whichever is greater.

New law, applicable to any parish with a population between 300,000 and 400,000 persons according to the latest decennial census (in 2010, Orleans), provides that to the extent an additional 1% has been collected under color of the provisions of Act 350 of the 2005 Regular Session, no repayment of over collections as determined by the commissioner shall be required.

Present law provides a licensing fee for all commercial surety underwriters who write criminal bail bonds that is generally 2% of the dollar value of liability underwritten by the commercial surety, whereas in Orleans Parish, the applicable rate is 3%.

New law specifies that in any parish with a population between 300,000 and 400,000 persons according to the latest decennial census (in 2010, Orleans), the licensing fee shall not be more than 2%.

Effective August 1, 2019.

(Amends R.S. 22:1443)

Nonresident Insurance Producers (Act 82)

Present law requires a person licensed in La. as a nonresident insurance producer who moves from one state to another to file a change of address and provide certification from the new resident state within thirty days of the change of legal residence. New law requires the change of address to include the producer's current and prior addresses.

New law provides that a nonresident producer license shall cease to be current or in good standing in this state, without further action by the commissioner, if the home state resident producer license ceases to be current or in good standing.

New law authorizes the nonresident license to remain in force if the licensee holds a current resident producer license in good standing in the new home state and the licensee complies with present law notification requirements.

Effective January 1, 2020.

(Amends R.S. 22:1548)

Producer Licenses (Act 397)

Present law requires that any producer, appointed as an agent by an insurer, who intends to operate its business affairs as a partnership, corporation, or other business entity shall have all persons of the business entity who are actively engaged in soliciting, negotiating, or effecting contracts of insurance or renewals hold an active producer license.

New law extends present law to provide that all persons actively engaged in soliciting, negotiating, or effecting contracts of insurance or renewals shall register with the Dept. of Insurance pursuant to present law.

(Amends R.S. 22:1558(D))

Pharmacy Record Audits (Act 167)

Present law provides criteria for auditing of pharmacy records, including a protocol for onsite audits, by various entities.

New law repeals all provisions relative to onsite audits of pharmacy records by these entities.

Present law requires that any audit involving clinical judgment be conducted by or in consultation with a licensed pharmacist. New law adds that the pharmacist must be licensed in this state.

Old law provided that no pharmacy shall be subject to recoupment of any portion of the reimbursement for the dispensed product of a prescription unless certain conditions are met. New law revises present law to require that these conditions occur at the point of adjudication in order for the pharmacy to be subject to recoupment.

New law stipulates that if any entity determines that the processed or adjudicated pharmacy claim qualifies for recoupment based upon the use of a manufacturer coupon or copay card, then the recoupment shall come from the beneficiary of the reduction if the product is approved by the

U.S. Food and Drug Administration through the new drug application process or abbreviated new drug application, or is an investigational drug which is a biological product.

New law repeals old law relative to pharmacy record audits providing that old law shall not apply to any federally funded activity specifically preempted by law or rule, or to any audit conducted pursuant to the participation of a pharmacy in the La. Medicaid program.

(Amends R.S. 22:1856.1)

Pharmacy Claims Fees (Act 105)

Present law provides that a health insurance issuer or a pharmacy benefit manager may not directly or indirectly charge or hold a pharmacist or pharmacy responsible for any fee related to a claim:

- (1) That is not apparent at the time of claim processing.
- (2) That is not reported on the remittance advice of an adjudicated claim.
- (3) After the initial claim is adjudicated.

New law clarifies that health insurance issuers and pharmacy benefit managers are prohibited from assessing any fee that meets any of the enumerated criteria.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1860.2(A))

Insured Motor Vehicle Repairs (Act 317)

Present law prohibits an insurer from requiring the insured to use a particular place or shop as a condition when making a payment incident to a claim.

New law expands present law to prohibit an insurer from requiring that an insured has to use a particular place or shop for repairs.

New law requires that an insurer shall provide notice in any circumstance to the insured that there is no requirement to use a recommended place or shop for motor vehicle service or glass window repair.

Old law provided that if the insurer is found to have violated present law then the insurer shall be fined no more than \$500 for each offense.

New law repeals old law and provides that if the insurer violates law then the commissioner of insurance shall fine the insurer \$1,000 for the first offense, \$2,500 for a second offense that occurs within a twelve-month period of the first offense, and \$5,000 for a third or subsequent offense that occurs within a twelve-month period of the preceding offense.

(Amends R.S. 22:1892(D))

Public Adjusters (Act 83)

Present law provides that a person will not act or hold himself out as a public adjuster in this state unless the person is licensed as a public adjuster by the La. Dept. of Insurance. Present law provides that a person licensed as a public adjuster shall not misrepresent to a claimant that he is an adjuster representing an insurance company. Present law provides that only persons licensed as public adjusters are allowed to solicit business, investigate, or adjust losses for an insured.

New law creates the crime of unauthorized practice of public adjusting for violations of present law.

New law provides for criminal penalties for the crime of unauthorized practice of public adjusting, including fines, jail, or both.

Present law provides that a business entity acting as a public adjuster is required to obtain a public adjuster license, pay all applicable licensing fees, and be responsible for the business entity's compliance with the insurance laws, rules, and regulations of this state.

New law creates the crime of unauthorized practice of public adjusting for a business entity for violations of present law.

New law provides criminal penalties for the crime of unauthorized practice of public adjusting for a business entity to be a criminal fine of not more than \$5,000.

Fees

Present law provides that, when a public adjuster is licensed by the commissioner of insurance, certain restrictions on fees apply.

Present law provides that any violation of present law by a licensed public adjuster is a "fraudulent insurance act". Present law provides that a person convicted of any "fraudulent insurance act" is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed five years, or a fine not to exceed \$5,000, or both, on each count, and payment of restitution to the victim company of any insurance payments to the defendant that the court determines was not owed and the costs incurred by the victim company associated with the evaluation and defense of the fraudulent claim, including but not limited to the investigative costs, attorney fees, and court costs. Present law provides that, if the benefit does not exceed \$1,000, the term of imprisonment shall not exceed six months and the fine shall not exceed \$1,000, or both, on each count.

New law provides that any unlawful fee charged by a licensed public adjuster will be considered a "fraudulent insurance act" and subject the license public adjuster to a term of imprisonment, with or without hard labor, not to exceed five years, or a fine not to exceed \$5,000, or both. New law provides that the court will also require the licensed public adjuster to make a payment of restitution to the victim that was overcharged.

Contracts

Present law provides that public adjusters will ensure that all contracts for their services are in writing and contain certain specified terms, and

that a public adjuster contract may not contain certain other contract terms.

Present law provides that prior to the signing of the contract, the public adjuster will provide the insured with a separate disclosure document regarding the claim process stating specified things.

Present law provides that the contracts will be executed in duplicate, to provide an original contract to the public adjuster and an original contract to the insured. New law provides that the public adjuster's original contract will be available at all times for inspection without notice by the commissioner of insurance.

New law retains present law and provides that any violation of present law is a "fraudulent insurance act" and provides for criminal penalties for such acts.

Records Retention

Present law provides that a public adjuster will maintain a complete record of each transaction as a public adjuster, including specified required content, for at least five years after the termination of the transaction with an insured.

New law retains present law but provides that any violation of present law is a "fraudulent insurance act" and provides for criminal penalties for such acts.

Standards of Conduct

Present law provides that a public adjuster will maintain certain standards of conduct, including objectivity and complete loyalty to the interest of his insured alone, not permitting an unlicensed employee or representative of the public adjuster to conduct business as a public adjuster, not having a direct or indirect financial interest in any aspect of the claim (other than the statutorily allowed fee) in the written contract and not soliciting for attorneys for a fee. Present law further provides that public adjusters will also adhere to a list of requirements.

New law retains present law and provides that any violation of present law is a "fraudulent insurance act" and provides for criminal penalties for fraudulent insurance acts.

Effective July 1, 2019.

(Amends R.S. 22:1924(A)(1); adds R.S. 22:1693(F) and (G), and 1923(2)(o))

Insurance Fraud (Act 195)

New law changes the termination date of the Sledge Jeanson Louisiana Insurance Fraud Prevention Act, authorizing the attorney general to pursue a civil action against anyone who commits fraud or any other illegal practice to obtain insurance payments, from July 1, 2019, to July 1, 2020.

New law extends the insurance fraud investigation unit in the Dept. of Public Safety and Corrections, scheduled to terminate on July 1, 2019, until July 1, 2020.

Effective July 1, 2019.

(Amends R.S. 22:1931.13 and R.S. 40:1429)

Guaranty Associations and Receivers (Act 109)

New law defines "collateral", "commercially reasonable", "deductible claim", "large deductible policy", and "other secured obligations".

New law requires, unless otherwise agreed by the responsible guaranty association, all large deductible claims which are also covered claims as defined by the applicable guaranty association law, including those that may have been funded by an insured before liquidation, to be turned over to the guaranty association for handling.

New law provides that, to the extent a guaranty association pays any deductible claim for which the insurer would have been entitled to reimbursement from the insured, a guaranty association shall be entitled to the full amount of the reimbursement and available collateral.

New law provides that a guaranty association is entitled to collateral to the extent needed to reimburse a guaranty association for the payment of a deductible claim.

New law shall not limit or adversely affect any rights or powers a guaranty association may have under applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by the guaranty association under policies of the insolvent insurer, or for related expenses the guaranty association incurs.

New law requires the receiver to collect reimbursements owed for deductible claims, take all commercially reasonable actions to collect the reimbursements, and promptly bill insureds for reimbursement of deductible claims.

New law requires the receiver to use collateral, when available, to secure the insured's obligation to fund or reimburse deductible claims or other secured obligations or other payment obligations.

New law requires claims that are validly asserted against the collateral to be satisfied in the order in which the claims are received by the receiver and provides that excess collateral may be returned to the insured as determined by the receiver after a periodic review of claims paid, outstanding case reserves, and a factor for incurred but not reported claims.

New law authorizes the receiver to deduct from the collateral or from the deductible reimbursements reasonable and actual expenses incurred in connection with the collection of the collateral and deductible reimbursements.

Effective Jan. 1, 2020.

(Adds R.S. 22:2013.1)

Employees and Group Health Insurance (Act 47)

Present law provides for the electronic delivery of insurance documents and notices by an insurer to an insured.

New law permits an employer that provides group health insurance to its employees to consent on behalf of its employees for use of electronic documents provided certain requirements are met.

Effective August 1, 2019.

(Adds R.S. 22:2462(E))

TITLE 23: LABOR AND WORKERS' COMPENSATION

Medical Benefits for Volunteer Reserve Police (Act 306)

Old law provided that a volunteer reserve officer or deputy shall be covered under their own insurance policy.

New law provides that any reserve police officer or deputy who volunteers for a municipal or parish law enforcement agency, may be entitled to medical benefits pursuant to present law if injured during the line of duty.

New law provides that the public entity may elect to provide coverage for volunteer reserve police officers or deputies by using its own funds and at their own discretion.

New law provides that the injured reserve police officer or reserve deputy shall not be compensated for injuries occurring within the course of, or arising out of, the volunteer reserve officer's or deputy's other employment. New law provides that the injured volunteer reserve officer or reserve deputy shall not be entitled to be compensated for lost wages.

New law defines the term "volunteer reserve officer" to mean an individual who is carried on the membership list of the municipal organization as an active participant in the normal functions of the law enforcement organization.

New law defines the term "volunteer reserve deputy" as an individual who is a part-time, nonsalaried, fully-commissioned law enforcement officer who volunteers with the parish organization.

(Adds R.S. 23:1036.1)

Workers Compensation Medical Treatment Schedule Appeals (Act 345)

Present law provides that a medical treatment schedule is to be used in the medical care, services, and treatment in workers' compensation matters.

Present law provides that deviations from the medical treatment schedule may be approved by the medical director or associate medical director of the office of workers' compensation.

Present law provides that any party may appeal the decision of the medical director or associate medical director.

New law adds that the appeal of the decision by the medical director or associate medical director must be made within 45 days of the date of the issuance of the decision.

Effective August 1, 2019.

(Amends R.S. 23:1203.1(K))

TITLE 24: LEGISLATURE AND LAWS

Cost Recovery Budget Request Form (Act 440)

Present law requires the division of administration to develop a "cost recovery" budget request form to be completed by each budget unit in the executive branch of state government, except those in higher education agencies in which case the Board of Regents shall develop such form.

New law provides that the legislative auditor shall review the cost recovery budget request forms completed for each budget unit in the executive branch of state government as provided in prior law, at least once every four years. The legislative auditor is to report his findings to the Joint Legislative Committee on the Budget.

Effective upon signature of the governor (June 22, 2019).

(Amends R.S. 24:513(D)(4)(b))

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC

French Quarter Management District (Act 153)

Present law creates and provides for the French Quarter Management District as a political subdivision of the state located in the city of New Orleans.

Old law provided that the district shall exist until June 30, 2021. New law extends the existence of the district to June 30, 2028.

(Amends R.S. 25:799(A))

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Alcoholic Beverage Deliveries (Act 436)

New law permits delivery of high and low alcoholic beverages by a liquor retailer with a Class B permit, or a permit that allows the retailer to sell alcoholic beverages for off-premise consumption, either on the licensed premises itself or at a residential or commercial address designated by the consumer, provided that:

- (1) All payments initiated by a consumer that is transacting the purchase with the liquor retailer are processed at the premises of the retailer.
- (2) The retailer, or an employee of the retailer, assemble, package, and fulfill each order at the permitted premises where the order was processed using inventory located at that premises that was purchased from a permitted wholesale dealer.
- (3) Deliveries to consumers are made only by the retailer or an employee of such retailer and only to consumers at a residential or commercial address in this state.

- (4) The alcoholic beverages delivered are for personal consumption, not intended for resale, and are in a container sealed by the manufacturer of the alcoholic beverage.
- (5) Delivery of alcoholic beverages is permitted only in those areas where the retail sale of alcoholic beverages is permitted. New law provides that delivery shall be prohibited in any area where it is prohibited by the local governing authority, and the delivery radius of a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located.
- (6) Alcoholic beverages are not delivered to an address on a campus of any state college, university, or technical college or institute or an independent college or university or any elementary or secondary school located in this state.
- (7) Delivery is permitted only during the hours that the authorized retailer's permitted establishment is open to the public.
- (8) At the time of delivery, the retailer, or an employee of the retailer, verifies the age of the recipient of the alcoholic beverage or beverages and that the recipient is not visibly intoxicated.
- (9) The retail dealer keeps a record of all deliveries of alcoholic beverages and retains such records for two years from the date of the delivery. New law requires the retailer to make such records available to the commissioner of the office of alcohol and tobacco control upon request.

New law authorizes the liquor retailer, or a retailer permitted to sell alcoholic beverages for off-premise consumption, to use electronic means to market the alcohol products it is licensed to sell, and to receive and process purchase orders placed by a consumer of legal drinking age,

which orders may then be delivered to such consumer on the licensed premises itself or at a residential or commercial address in this state in accordance with provisions of new law.

New law authorizes the retailer to use electronic means owned, operated, and maintained by a third party provided that certain conditions set forth in new law are met.

New law provides that if any provision of new law, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather than expand commerce in alcoholic beverages and to enhance strict regulatory control over taxation, distribution, and sale of alcoholic beverages through the three-tier regulatory system imposed by the Alcoholic Beverage Control Law upon all alcoholic beverages.

Effective upon signature of governor (June 24, 2019).

(Amends R.S. 26:2 and 241; Adds R.S. 26:153 and 307)

Direct Wine Sales (Act 181)

Old law permitted a wine producer who operates one or more wineries to sell and ship directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address is in 750 ml bottles and does not exceed 144 bottles per adult person per household address per calendar year.

New law removes the size limitation on the bottles/containers in which the wine may be shipped. New law provides instead that the total amount of sparkling or still wine shipped shall not exceed 12 cases of wine per adult person per household address per calendar year. New law defines a case of wine.

New law provides guidelines for how a case of wine shall be packaged.

Old law permitted sparkling wine or still wine to be sold and shipped directly to a consumer, not to a retail dealer's location, in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana or by a wine producer domiciled inside or outside of Louisiana provided all taxes levied have been paid and certain conditions apply, including that the sparkling wine or still wine to be shipped is shipped in 750 ml bottles and that the total amount does not exceed 144 bottles per adult person per household address per calendar year.

New law removes the size limitation on the bottles in which the wine may be shipped. New law provides instead that the total amount of sparkling or still wine shipped shall not exceed 108 liters of wine per adult per household address per calendar year.

Effective July 1, 2019.

(Amends R.S. 26:85(6) and 359(B)(1)(c); adds R.S. 26.2(3.1), and 241(2.1))

Retail Sale of Alcoholic Beverages (Act 303)

Present law prohibits a person holding a retail dealer's permit, and any agent, associate, employee, representative, or servant of such person, to do or permit certain acts on or about the licensed premises.

New law extends the application of the present law prohibitions to persons permitted to sell alcoholic beverages at retail to consumers.

Present law provides for a list of certain types of identification to be used for verifying the age of persons when selling or serving alcoholic beverages.

New law additionally authorizes the use of a real-time age verification system authorized by the commissioner of ATC to verify the age of persons when selling or serving alcoholic beverages.

(Amends R.S. 26:90 and 286)

Alcoholic Beverage Dealers (Act 282)

Present law requires the commissioner of alcohol and tobacco control to suspend or revoke any alcohol permit of a dealer that fails to pay any sales taxes due to the state.

New law retains present law and requires the suspension or revocation of any permit of a dealer that fails to pay any of the following taxes:

- (1) Taxes on beverages of high alcoholic content
- (2) Taxes on beverages of low alcoholic content
- (3) Tobacco taxes
- (4) Withholding taxes
- (5) Louisiana Stadium and Exposition District hotel occupancy taxes
- (6) Ernest N. Morial New Orleans Exhibition Hall Authority taxes

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:91(B))

Alcoholic Beverage Deliveries (Act 433)

New law adds additional ATC-issued permits for the delivery of low alcohol content beverages by restaurants, grocery stores, holders of a package house-Class B permit, and third parties, and sets the amount of the fees for such permits.

New law defines a third party delivery company, for purposes of new law, as a third party delivery service that is licensed to do business in the state of La., permitted with ATC, and uses their own W-2 employees for delivery.

New law provides the following restrictions on alcohol deliveries:

- (1) Only alcohol purchased from a Louisiana wholesale dealer can be offered for delivery.

- (2) Only alcoholic beverages of low alcoholic content, beer, sparkling wine, and still wine can be offered for delivery.

- (3) Alcohol deliveries are only offered during the hours and days the retailer is authorized to sell or serve alcoholic beverages.

- (4) All alcohol deliveries must contain a food order as well.

- (5) Deliveries can only be taken to areas where the sale of alcoholic beverages is permitted.

New law requires deliveries to be conducted by a person who is 18 years of age or older, possesses a valid server permit, and is an employee for which the third party is required to file an IRS Form W-2.

New law requires a delivery agent to refuse delivery and return the beverages to the place of purchase if the recipient does not have a valid form of identification, the recipient is intoxicated, or the recipient refuses to sign for the receipt of the delivery, or if there is reason to doubt the authenticity of the form of identification.

New law provides that a delivery agent who fails to comply with these provisions of new law shall be held vicariously liable for damages incurred as a result of the failure to comply.

New law requires the retail dealer, grocery store, or restaurant to keep records of all deliveries of alcoholic beverages for three years.

New law shall not be applied to the provisions of existing law regarding the transportation or delivery of sparkling wine or still wine through wholesalers.

New law requires third party delivery services to maintain general liability insurance with a liquor liability endorsement in the amount of no less than one million dollars per occurrence.

New law allows the commissioner to revoke any permit for permittees that violate the provisions of new law.

Existing law authorizes parishes and municipalities to issue and require local permits similar to those issued by the commissioner of alcohol and tobacco control (ATC) for the sale of alcoholic beverages.

New law expands local permit authority to include an alcohol delivery permit.

Effective upon signature of governor (June 24, 2019).

(Amends R.S. 26:271.2 and 274; Adds R.S. 26:271.4 and 309)

Vapor and Alternative Nicotine Products (Act 424)

Present law defines "wholesale dealer" as including a dealer who sells cigarettes, cigars, or other tobacco products for resale.

New law adds dealers who sell vapor products or alternative nicotine products to the definition of "wholesale dealer".

Present law requires a permit from the office of alcohol and tobacco control to sell at retail cigarettes, cigars, and other tobacco products.

New law requires a permit to sell vapor products and alternative nicotine products.

Present law prohibits retail dealers from purchasing tobacco products for resale except from a wholesale dealer who has a valid ATC permit.

New law makes present law applicable to retail dealers selling vapor products or alternative nicotine products.

New law applies other present law regulations applicable to tobacco products to vapor products and alternative nicotine products.

New law restricts manufacturers of vapor products from selling vapor products in this state without authorization from the office of alcohol and tobacco control and provides the specific information required to be included in the request for authorization.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:901(34), 906(A), and 911(B)(1) and (2); Adds R.S. 26:901(35), 911(D) and 925)

TITLE 27: LOUISIANA GAMING CONTROL LAW

Orleans Casino Operating Contract (Act 171)

The present Louisiana Economic Development and Gaming Corporation Act provides for the creation of the Louisiana Economic Development and Gaming Corporation, the ownership interest of which is vested in the state, which is empowered to enter into contracts for the conducting of casino gaming operations at a single official gaming establishment in Orleans Parish. Pursuant to present law, effective May 1, 1996, the Louisiana Gaming Control Board assumed control of the affairs of the Louisiana Economic Development and Gaming Corporation and all powers, duties, functions, responsibilities, and obligations associated therewith.

Under old law, the term of the contract and any option to extend or renew may not exceed a total of 20 years primary term and one ten-year renewal option.

New law amends old law to require the Louisiana Gaming Control Board to enter into additional 30-year renewal terms of the casino operating contract, in addition to the initial 20-year term and the one ten-year renewal term, upon satisfaction of several conditions.

New law requires the first 30-year renewal term which extends the casino operating contract to July of 2054, to contain various specified provisions, including provisions governing major economic terms.

Old law authorized the casino gaming operator to operate and conduct certain non-casino gaming activities such as restaurants, cafeteria style food services, catering, special events, and leasing of space at the establishment for certain specified purposes, including but not limited to business meetings for outside entities, special events, and parties. Old law provided certain restrictions on the casino gaming operator relative to such operations and activities, including restrictions on pricing and advertising.

Old law authorized the casino gaming operator to own or operate offsite lodging which may be physically connected to the official gaming establishment subject to certain conditions and restrictions on the number of rentable units, square footage, advertising, and pricing.

New law amends provisions of old law to provide that beginning Aug. 1, 2019, the casino gaming operator is authorized to conduct certain non-casino related activities at the official gaming establishment or at another location subject to various different requirements, including some that vary according to whatever the casino operator negotiates with the Louisiana Restaurant Association or the Greater New Orleans Hotel and Lodging Association.

New law amends old law to provide for the allocation and distribution of revenues received by the government from the casino.

(Amends R.S. 27:241(A), 241.1, 243(C), 247, and 270(A)(3) and R.S. 39:100.81)

TITLE 28: MENTAL HEALTH

Judicial Commitments (Act 307)

Present law provides for the commitment of a person who has a developmental disability and is either a danger to himself or dangerous to others, to LDH either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

New law provides that upon such commitments under present law, the court shall cause

reasonable notice of judgment to be given to LDH.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 28:55(E)(1) and 454.6(B))

Sales Taxes on Therapeutic Marijuana (Act 331)

Present law establishes an annual license fee of \$100,000 for a license to produce marijuana for therapeutic use, an annual permit fee of \$100 for the administrative and inspection costs associated with producing marijuana for therapeutic use, and a nonrefundable application fee of \$10,000 to apply for the license to produce marijuana for therapeutic use.

New law establishes an exclusion from state and local sales and use taxes for marijuana recommended for therapeutic use by patients clinically diagnosed as suffering from certain debilitating medical conditions.

Present law excludes and exempts a wide variety of tangible personal property from the sales and use tax; however, present law suspends numerous exclusions and exemptions from the four levies of state sales and use tax (R.S. 47:302, 321, 321.1, and 331) through June 30, 2025.

New law changes present law by adding sales of marijuana recommended for therapeutic use to the list of exclusions and exemptions that are effective through June 30, 2025.

Present law mandates that the Dept. of Agriculture and Forestry, hereinafter "department", receive an amount not to exceed 7% of the gross sales of therapeutic marijuana.

New law changes present law by requiring the department to assess a fee of 7% on the gross sales of therapeutic marijuana and authorizes the legislature to appropriate an amount to the department for administrative costs.

Effective July 1, 2019.

(Amends R.S. 28:826 and R.S. 40:1046; Adds R.S. 47:301(10)(ii), 302(BB)(110), 321(P)(111), 321.1(I)(111), and 331(V)(111))

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Louisiana Code of Military Justice (Act 373)

Present law provides for the Louisiana Code of Military Justice, which applies to all members of the state military forces at all times and in all places. New law adds that this Code applies to all persons in custody of a federal, state, or local penal institution while serving a sentence imposed by a court-martial.

Present law has three different courts-martial in state military forces: general, special, and summary. A traditional special court-martial requires a military judge and at least six members.

New law retains present law and creates a new special court martial that only requires a judge. The sentence is limited to no punitive discharge and confinement of not more than six months.

Present law outlines who is eligible to serve as a member of a court martial. New law retains present law, but allows any enlisted member of a state military force to serve on a general or special court martial for the trial of another enlisted member. The accused also may request orally or in writing for the membership of his court martial to either be comprised of officers entirely or enlisted members who will comprise 1/3 of the membership of the court-martial.

New law creates a new military magistrate position, and provides that this person can be assigned to preside over the new special court martial and pre-referral program proceedings.

New law adds procedures by which the fitness of a military judge or military magistrate will be determined.

Present law requires that the advice of a state judge advocate be given before directing the trial of a general court-martial.

New law requires the convening authority to receive a recommendation in writing from the state judge advocate before a referral of charges and specifications to a general court martial can be made. The written recommendation must include specification of alleged offenses, probable cause, and confirmation of jurisdiction.

New law allows for subpoena or other process to be issued to compel a witness to appear and testify and provides for the manner and circumstances in which those subpoenas may be issued.

New law binds the convening authority, the accused, and the military judge to plea agreements once signed by the accused and provides for the circumstances in which such agreements may be entered into.

New law requires special court-martial to keep a separate record, for the records to be certified by a court reporter or an official, and for a copy of all prepared records of the proceedings of a court-martial to be given to the victim if they testified at trial at no cost to the victim.

New law reorganizes many provisions of present law to align it with the U.S. Code of Military Justice.

(Amends numerous provisions of R.S. 29:101 – 154)

Veteran Affairs (Act 390)

Prior law provided that the administrative head of the La. Dept. of Veterans Affairs (LDVA) was the director. New law changes the title of the head of the LDVA from "director" to "secretary."

Existing law provides for the Veterans' Affairs Commission. Prior law provided for extensive authorities and duties of the commission.

New law repeals all prior law authorities and duties of the commission except the requirement that the commission advise the secretary in problems concerning the welfare of veterans and the functions necessary or desirable for the

secretary to perform in carrying out the purposes of existing law.

Effective August 1, 2019.

(Amends R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 385(C); Repeals R.S. 29:258 and R.S. 36:781(C)(2) and (3))

TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY

Caddo Parish and Saltwaters (Act 242)

Present law authorizes an owner, producer, or operator in the Caddo Pine Island Field in Caddo Parish to dispose or reinject produced saltwaters into the productive interval of the Nacatoch Formation without unitization of the entire reservoir.

Present law requires that consent of the other owners, producers, or operators operating within a 1/4 mile radius of such wells be obtained prior to the commencement of the disposal or injection of such saltwaters.

New law adds that an owner, producer, or operator is also authorized to dispose or reinject produced saltwaters into the productive interval of the Blossom Formation.

(Amends R.S. 30:5(D)(5))

Emergency Response Costs (Act 193)

Present law allows the monies in the Oilfield Site Restoration Fund (fund) to be disbursed and expended pursuant to the authority and direction of the secretary or assistant secretary of the Department of Natural Resources (DNR) for certain purposes and uses, including costs associated with response to an emergency.

New law requires approval by the Oilfield Site Restoration Commission for costs associated with response to any emergency, unless directed by the commission not to expend monies in the fund pursuant to new law.

New law requires the DNR to seek recovery from the responsible party of any monies disbursed and spent from the fund for an emergency within six months from the initial expenditure.

New law requires the assistant secretary of DNR to notify the commission of an emergency, and requires the commission to hold a meeting within 90 days after the emergency to approve the expenditure of certain monies.

Present law allows the secretary of the DNR to recover certain costs incurred by the secretary for the control, clean up, closure, or restoration of oilfield sites and provides a procedure for the recovery of costs.

New law includes costs for responding to an emergency at an oilfield site or other facility, structure, or pipeline under the jurisdiction of the commissioner of conservation as to the costs the secretary may recover from the responsible party.

Effective August 1, 2019.

(Amends R.S. 30:86 and 93)

State Mineral Leases (Act 403)

New law authorizes the State Mineral and Energy Board (board) to include in any lease entered into by the state, any state agency, or any political subdivision after July 31, 2019, a clause which grants a continuing security interest in and to all as-extracted collateral attributable to, produced, or to be produced, from the leased premises or from lands pooled or unitized therewith, as security for the prompt and complete payment and performance of the lessee's obligation to pay royalties or other sums of money that may become due under the lease, as contemplated by the Uniform Commercial Code.

New law allows the board to subordinate the state's security interest in any amounts in excess of the royalties and other sums due to the state, to the security interest of one or more lenders.

New law requires the board to submit the proposed clause language to the House Committee on Natural Resources and

Environment and the Senate Committee on Natural Resources for review, no less than thirty days prior to entering into the first lease that contains a clause granting a continuing security interest.

Effective August 1, 2019.

(Adds R.S. 30:127(H))

Surface Mining Reclamation Fees (Act 150)

Present law imposes an annual regulatory fee of 8¢ per ton on all coal and lignite mined in the state.

New law adds an annual reclamation fee in the amount of \$6 for each acre of land included in the approved mine permit area.

(Amends R.S. 30:906.1)

La. Geologic Sequestration of Carbon Dioxide Act (Act 297)

Present law provides for policy and jurisdiction of the commissioner of conservation over the geologic storage and withdrawal of carbon dioxide.

Present law defines "storage operator" as the person authorized by the commissioner to operate a storage facility. Present law provides that a storage operator can, but need not be, the owner of carbon dioxide injected into a storage facility.

Present law places the responsibility of performing actions required by the commissioner of conservation pursuant to the La. Geologic Sequestration of Carbon Dioxide Act only on storage operators.

New law specifies that unless the person is the owner or operator of a facility or activity, the owner, shipper, or generator of carbon dioxide is not responsible for performing the actions required by the commissioner of conservation relative to carbon sequestration.

(Amends R.S. 30:1104(B))

Expedited Environmental Enforcement Penalties (Act 97)

Present law authorizes the secretary of the Dept. of Environmental Quality to use general enforcement powers with respect to environmental violations.

Present law authorizes that citations include the assessment of civil penalties and orders requiring compliance within a specified time period.

Present law authorizes the secretary to issue expedited actions for minor and moderate violations and issue a fine not to exceed \$1,500 per violation or \$3,000 per violator.

New law increases the maximum penalty from \$1,500 per violation to \$3,000 per violation or from \$3,000 per violator to \$5,000 per violator.

(Amends R.S. 30:2025(D)(1))

State Environmental Clean-Up Liens (Act 85)

Present law provides that in cases where monies from the Hazardous Waste Site Cleanup Fund are expended, the attorney general may institute a civil action to recover from the responsible persons all monies expended from the fund. Present law provides that if the secretary requests that the attorney general institute a civil action but he or she declines or does not institute such action within 60 days, the department, with the concurrence of the attorney general may institute a civil action to recover monies expended from the fund.

New law provides that the state will have a lien or privilege against the immovable property for monies expended from the Hazardous Waste Site Cleanup Fund on the immovable property.

New law provides that such liens will have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the property, unless those privileges, liens, encumbrances, or other security interests are filed before the lien filed as provided by new law, in which case they will have priority over the state lien, but only to the extent of the fair market

value that the property had prior to closure, assessment, or remedial action by the state.

Effective August 1, 2019.

(Adds R.S. 30:2205(F))

La. Environmental Education Commission (Act 238)

Present law creates within the Dept. of Wildlife and Fisheries the La. Environmental Education Commission that develops and promotes environmental education and, through the commission's staff section, administers litter abatement programs.

New law moves the La. Environmental Education Commission from the Dept. of Wildlife and Fisheries to the state Dept. of Education.

New law provides for transitional provisions regarding obligations, rules and regulations, pending legal proceedings, and continuation of performance of duties by employees.

(Amends R.S. 30:2503, 2504, 2506, 2517, and R.S. 36:802; Adds R.S. 36:651(CC); Repeals R.S. 36:610(B)(10))

TITLE 31: MINERAL CODE

Louisiana Mineral Code (Act 350)

Prior law provided that one who acquires a mineral servitude from a co-owner of land may not exercise his right without the consent of co-owners owning at least an undivided 80% interest in the land. New law changes 80% to 75%.

Prior law provided that a co-owner of land may grant a valid mineral lease or a valid lease or permit for geological surveys as to his undivided interest in the land, but the lessee or permittee may not exercise his rights without consent of co-owners owning at least an undivided 80% interest in the land. New law changes 80% to 75%.

Prior law provided that a co-owner of a mineral servitude may not conduct operations on the property subject to the servitude without the

consent of co-owners owning at least an undivided 80% interest in the servitude. New law changes 80% to 75%.

New law will only have prospective application and will apply only to contracts entered into on or after the effective date of the Act.

Effective August 1, 2019.

(Amends R.S. 31:164, 166, and 175)

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Police Solicitation of Funds on Roadways (Act 123)

Present law prohibits persons from standing on a public roadway to solicit rides, employment, or business from occupants of vehicles.

Present law provides an exception allowing members of professional firefighters associations or other nonprofit organizations to solicit contributions, as members of that association, on behalf of bona fide charitable organizations if granted permission to solicit by the municipal or parish governing authority.

New law retains present law and adds police officers and other public safety officers to pedestrians who shall not be prohibited by present law or any other provision of state law from standing on a public roadway for the purpose of soliciting contributions on behalf of bona fide charitable or civic organizations in daylight hours, provided the following conditions are satisfied:

- (a) The charitable or civic organization complies with applicable local government regulations.
- (b) The charitable or civic organization maintains at least five hundred thousand dollars in liability insurance.
- (c) The person is eighteen years of age or older.

- (d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.
- (e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

New law limits liability for damages of a local municipal or parish authority with jurisdiction over a roadway upon which solicitation occurs as described in new law.

New law authorizes assessment of a civil penalty on a person who violates the provisions of new law.

New law defines "charitable or civic organization" as a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501, or a veteran's organization that has tax-exempt status under the Internal Revenue Code.

New law requires a local municipal or parish authority that has enacted or is enforcing regulations that are prohibited under new law to bring those regulations into compliance with new law no later than 60 days following its effective date.

Effective August 1, 2019.

(Amends R.S. 32:218)

Children in Motor Vehicles (Act 51)

Old law required that every driver transporting children under the age of 13 in a motor vehicle equipped with safety belts shall have the child properly secured by a specific child restraint system depending on the particular age or weight of the child.

New law changes old law to increase the age from under the age of 13 years to under the age of 18 years and requires the child properly to be

restrained according to the vehicle and child safety seat manufacturer's instructions as follows:

- (1) A child who is younger than the age of 2 years shall be restrained in a rear-facing child restraint system that complies with all applicable federal regulations until the child reaches the weight or height limit of the child restraint system as set by the manufacturer.
- (2) A child who is at least 2 years of age or older and has reached the rear-facing weight or height limits of the child restraint system as set by the manufacturer, shall be restrained in a forward-facing child restraint system with an internal harness until the child reaches the weight or height limit of the child restraint system set by the manufacturer.
- (3) A child who is at least 4 years of age and has outgrown the forward-facing weight or height limits of the child restraint system as set by the manufacturer shall be restrained in a belt-positioning child booster seat, secured with a vehicle lap-shoulder seat belt, according to the manufacturer's instructions.
- (4) A child who is at least 9 years of age or has outgrown the height or weight limits of a child restraint system or belt-positioning child booster seat as set by the manufacturer shall be restrained with the motor vehicle's adult safety belt adjusted and fastened around the child's body to fit correctly. The adult safety belt fits correctly when the child sits all the way back against the vehicle seat, the child's knees bend over the edge of the vehicle seat, the belt fits snugly across the child's thighs and lower hips, and not the child's abdomen, and when the shoulder strap snugly crosses the center of the child's chest and not the child's neck.
- (5) A child who is younger than 13 years of age shall be transported in the rear seat of

a motor vehicle, when available, in a properly used child restraint system, belt-positioning child booster seat, or adult safety belt that complies with all applicable federal regulations.

- (6) A child who because of age or weight can be placed in more than one category shall be placed in the more protective category.

Effective August 1, 2019.

(Amends R.S. 32:295(A))

Large Trucks and Safety Belts (Act 208)

Present law requires each driver of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pick-up truck, to have their safety belts properly fastened about his or her body at all times when the vehicle is in forward motion. New law increases the weight limit of the trucks from 10,000 pounds to 26,000 pounds, removes colloquial reference to a truck, and expands the application of the law beyond solely pickup trucks.

Present law restricts each driver of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pick-up truck, from transporting more persons than there are safety belts available in the vehicle.

New law increases the weight limit of the trucks from 10,000 pounds to 26,000 pounds, removes colloquial reference to a truck, and expands the application of the law beyond solely pickup trucks.

Present law requires each occupant of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pick-up truck, to have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

New law increases the weight limit of the trucks from 10,000 pounds to 26,000 pounds, removes

colloquial reference to a truck, and expands the application of the law beyond solely pickup trucks.

(Amends R.S. 32:295.1(A)(1), (3), and (B))

Electric Low-Speed Scooters (Act 258)

New law authorizes electric low-speed scooters to operate on sidewalks, bicycle paths, and highways, except when the DOTD or any parish or municipal governing authority with jurisdiction limits, or both, prohibits scooter operation in the interest of safety.

New law authorizes a parish or municipal governing authority to reasonably regulate and assess penalties for moving or parking violations applicable to the operator of an electric low-speed scooter on any sidewalk, bicycle path, or highway under its jurisdiction.

New law defines an "electric low-speed scooter" as a rental or commercial scooter weighing less than 100 pounds that has handlebars and an electric motor, is solely powered by an electric motor or human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by an electric motor.

New law provides that an electric low-speed scooter shall not be considered a motor-driven cycle, a vehicle, or a motor vehicle.

New law provides that a scooter shall carry only the number of persons at one time it is designed and equipped to carry.

New law prohibits a person operating a scooter to attach himself or the scooter to any other vehicle being operated upon the highway.

New law prohibits a person operating a scooter upon a roadway from carrying a package, bundle, or article that prevents him from keeping at least one hand on the handlebars.

New law requires every person operating an electric low-speed scooter upon a roadway to ride as near to the right side of the roadway as

practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction, except under any of the following circumstances:

- (1) when overtaking and passing another electric low-speed scooter, bicycle, or vehicle proceeding in the same direction.
- (2) when preparing to turn or turning left at an intersection, or into a private road or driveway.
- (3) when reasonably necessary to avoid fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes, or any other condition that makes it unsafe to continue along the right-hand curb or edge of the roadway. For purposes of this Paragraph, a "substandard width lane" is a lane that is too narrow for an electric low-speed scooter and another electric low-speed scooter, bicycle, or a vehicle to travel safely side-by-side within the lane.

New law requires the operator of a motor vehicle, when overtaking and passing an electric low-speed scooter proceeding in the same direction on the roadway, to exercise due care when the motor vehicle is passing the electric low-speed scooter, and to leave a safe distance between the motor vehicle and the electric low-speed scooter of not less than three feet, and to maintain such safe distance until safely past the overtaken electric low-speed scooter.

New law allows the operator of a motor vehicle to pass an electric low-speed scooter traveling in the same direction in a no-passing zone only when it is safe to do so.

New law requires a scooter to be equipped with a brake that enables its braked wheels to skid on dry, level, and clean pavements.

New law requires every person operating an electric low-speed scooter upon a La. highway be granted all of the rights and be subject to all the duties applicable to the driver of a vehicle in

accordance with present law, except as limited or prohibited by DOTD or any parish or municipal governing authority, and except as to those provisions of present law which by their very nature can have no application.

New law requires a scooter to be equipped as provided in R.S. 32:329.1 (lights and reflectors) when in use during times specified in R.S. 32:301, as follows: (1) at any time between sunset and sunrise, (2) when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernable at a distance of 500 feet ahead, (3) when moisture in the air or precipitation necessitates the continuous use of windshield wipers, and (4) while driving in a tunnel.

New law requires the operator of an electric low-speed scooter under the age of 17 years to wear an approved helmet as provided in R.S. 32:199.

Effective August 1, 2019.

(Adds R.S. 32:300.1.1)

Ignition Interlock Devices (Act 396)

New law authorizes an individual who installs a Dept. of Public Safety and Corrections approved ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence, for an offense involving the operation of a motor vehicle under the influence of alcohol, drugs, or both, and was arrested or subsequently convicted of such an offense, to receive credit towards suspension time or any reinstatement requirement that may be imposed, if any of the following occurs:

- (1) The installation and monitoring of the ignition interlock device is reported to the Dept. of Public Safety and Corrections by the manufacturer in accordance with present law.
- (2) The individual whose driving privilege is restricted appears at an office of motor vehicle field office and is issued a renewed or duplicate driver's license that

contains a restriction code indicating that any vehicle operated by the individual must be equipped with an ignition interlock device.

New law prohibits an individual from receiving credit towards suspension time or any reinstatement requirement if the manufacturer reports to the Dept. of Public Safety and Corrections that any combination of two of the following violations have occurred in a one-month period, including any repeat violation of the same type: tampering with the device, circumventing the device, failure to bring the ignition interlock device in for required service, failure to take or pass a re-test, failure to pass a breath test, use of the emergency override feature without justification, and unauthorized removal of the device.

New law prohibits an individual from receiving credit towards suspension time or any reinstatement requirement if the individual is charged or arrested for any offense involving the operation of a motor vehicle while under the influence of alcohol, drugs, or both, during the period in which the individual is required to have an ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence as provided in present law.

(Amends R.S. 32:378.2)

Transportation Permits (Act 301)

Present law authorizes the issuance of special overweight permits for vehicles, combination of vehicles, and off-road equipment for single trips. The amount of the special overweight permit varies depending on the weight of the vehicle and the distance traveled.

New law increases the fee for issuance of special overweight permits by 50% for single trips.

Present law authorizes the issuance of special container permit fees for vehicles hauling prepackaged products in international trade originating from or destined to an intermodal facility. Old law limited the axle weight to 20,000

lbs. per axle provided the rear axle set is in tridem for intermodal containers that are required to apply for a permit.

New law increases the axle weight from 20,000 lbs. to 22,000 lbs. per axle and removes the requirement that the rear axle set is in tridem for intermodal containers.

Old law limited the applications for permits to owners or operators of a vehicle transporting sealed intermodal containers within a 50 mile radius of a port or harbor district. New law removes this limitation.

Old law required an annual permit fee of \$500 for transportation of Class II Ocean containers.

New law increases the annual permit fee for transportation of Class II Ocean containers from \$500 to \$750.

New law authorizes the secretary to establish routes for any owner or operator who receives a permit, and to revoke the permit if the owner or operator fails to adhere to the route designated by the secretary.

Old law exempted vehicles transporting Class II ocean containers and liquid bulk containers within a 50 mile radius of the I-10 Twin Span Bridge until the I-10 Twin Span Bridge is open to vehicles transporting sealed intermodal containers. Old law required vehicles transporting liquid bulk containers within a 50 miles radius of a port or harbor district to apply for a permit, with the gross vehicle weight limitation of 95,000 lbs. and axle weight of 20,000 lbs. set per axle provided the rear axle set is in tridem. New law repeals old law.

Effective date Jan. 1, 2020.

(Amends R.S. 32:387)

Wide Vehicles on Interstate (Act 191)

Prior law authorized the secretary to issue special permits to permit movement along the interstate highway system within Louisiana of vehicles and loads up to 16 feet in width.

New law changes prior law to remove the 16-foot width limitation on the interstate highway system.

Effective August 1, 2019.

(Amends R.S. 32:387(B)(2))

Autonomous Commercial Vehicles (Act 232)

New law defines "automated driving system" as the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

New law defines "autonomous commercial motor vehicle" as a motor vehicle used in commerce and equipped with an automated driving system, including those designed to function without a driver.

New law defines "commerce" as transportation for the purpose of compensation, remuneration, employment, trade, or payment of any thing of value.

New law defines "commercial motor vehicle" as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.

New law defines "conventional human driver" as a driver who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

New law defines "dynamic driving task" as all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

New law defines "minimal risk condition" as a condition to which a user or an automated driving

system may bring a vehicle in order to reduce the risk of a crash upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

New law defines "operational design domain" as a description of the specific operating domain in which an autonomous commercial motor vehicle is designed to properly operate, including but not limited to roadway types, speed, environmental conditions, and other domain constraints.

New law defines "remote driver" as a natural person who is not seated in an autonomous commercial motor vehicle, but is able to perform the entire dynamic driving task.

New law defines "teleoperation system" as hardware and software installed on a motor vehicle that allow a remote driver to operate the vehicle.

New law provides that autonomous commercial motor vehicles, including any commercial use or operations, and automated driving systems are governed exclusively by new law.

New law specifies that the Dept. of Transportation and Development (DOTD) is the sole and exclusive agency with jurisdiction over autonomous commercial motor vehicles and automated driving systems.

New law clarifies that the provisions of new law must not be construed to limit the applicability of state dealer franchise laws pursuant to present law.

New law authorizes autonomous commercial motor vehicles to operate in this state without a conventional driver physically present in the vehicle if the autonomous commercial motor vehicle meets all of the following criteria:

- (1) Is capable of operating in compliance with applicable federal law and the traffic and motor vehicle laws of this state, including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.

- (2) Is properly registered and titled in accordance with present law.
- (3) Is certified in accordance with federal law as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels, including reference to any exemption granted under applicable federal law.
- (4) Is capable of achieving a minimal risk condition if a failure occurs rendering the vehicle unable to perform the dynamic driving task relevant to its intended operational design domain or if the vehicle exits its operational design domain.
- (5) Is covered by motor vehicle liability coverage in an amount not less than \$2,000,000.

New law prohibits the registration of an autonomous commercial motor vehicle from being interpreted to abrogate or amend any statutory or regulatory provisions or any aspects of law pertaining to liability for any harm or injury caused.

New law requires a person or entity to submit a written statement to the DOTD certifying that the vehicle meets the requirements of new law prior to commencing the operation of an autonomous commercial motor vehicle without a conventional driver present in the cab.

New law specifies that the automated driving system of an autonomous commercial motor vehicle and a person or entity required to submit a statement to the DOTD are subject to all applicable laws, rules, ordinances, and statutes of that state and will be considered a licensed operator of the vehicle.

New law specifies that the person or entity operating the autonomous commercial motor vehicle may be issued a traffic citation or other applicable penalty for failure to comply with any traffic or motor vehicle laws.

New law specifies that if an accident occurs involving an autonomous commercial motor vehicle, while the automated driving system is engaged, the autonomous commercial motor vehicle must remain at the scene of the accident and the operator or any person on behalf of the operator of the autonomous commercial motor vehicle must comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information.

New law specifies that when a remote driver is operating a commercial motor vehicle, the remote driver will be considered the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws, including the rules of the road.

New law requires the remote driver to hold the proper class of license required for a conventional driver to operate the vehicle.

New law requires that an autonomous commercial motor vehicle remain at the scene of an accident and comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information if an accident occurs involving a commercial motor vehicle equipped with a teleoperation system while the teleoperation system is engaged.

New law authorizes a commercial motor vehicle equipped with a teleoperation system to operate in this state without a conventional driver physically present in the vehicle if a remote driver is operating the vehicle and the commercial motor vehicle meets all of the following criteria:

- (1) Is properly registered.
- (2) Is in compliance with applicable federal law.
- (3) Is certified in accordance with federal law as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels, including reference to any exemption granted under applicable federal law.

- (4) Is capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operated by a remote driver, including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.
- (5) Is covered by motor vehicle liability coverage in an amount not less than \$2,000,000.
- (6) Is capable of achieving a reasonably safe state, such as bringing the vehicle to a stop, if a failure of the teleoperation system occurs that renders the remote driver unable to perform the entire dynamic driving task for the vehicle.

New law requires that an owner, remote driver, or the remote driver's employer submit a written statement to the DOTD certifying that the vehicle meets the requirements of new law prior to commencing the operation of a commercial motor vehicle without a conventional driver present in the cab.

New law specifies that the provisions of new law must not be construed to repeal, modify, or preempt any liability that may be incurred pursuant to present law applicable to a vehicle owner, operator, manufacturer, component part supplier, or retailer, including any law that may apply to jurisdiction for any bodily injury or property damage claims arising out of new law.

New law specifies that all choice of law conflicts, with respect to bodily injury or property damage claims, must be resolved in accordance with La. law.

(Adds R.S. 32:400.1-400.8)

Class "E" Temporary Instructional Permits (Act 295)

Old law requires a person to apply for a Class "E" temporary instructional permit prior to enrolling in any driver education course, driver training program, or prelicensing training course.

New law requires a person to apply for a Class "E" temporary instructional permit prior to the administration of the knowledge test, instead of enrolling in a driver education course, driver training program, or prelicensing training course.

Old law required a person to possess a Class "E" temporary instructional permit in order to enroll in any driver education course, driver training program, or prelicensing training course.

New law requires a person to possess a Class "E" temporary instructional permit in order to participate in the administration of the knowledge test, operate a motor vehicle during on-road driving skills training, or participate in the administration of the on-road driving skills test.

New law removes the provision that required the enrollment in a driver education course, driver training program, or prelicensing training course to possess a Class "E" temporary instructional permit.

Old law required a person who has successfully completed a driver education course, driver training program, or prelicensing training course to surrender their Class "E" temporary instructional permit and apply for an age appropriate learner's license.

New law requires a person who has successfully completed a driver education course, driver training program, or prelicensing training course and is not eligible for a permanent license to surrender their Class "E" temporary instructional permit and apply for a learner's license.

New law requires a person who has successfully completed a driver education course, driver training program, or prelicensing training course and is eligible for a permanent license to surrender their Class "E" temporary instructional permit and apply for a permanent license.

New law requires the Dept. of Public Safety and Corrections to waive the fee for the permanent license issued in connection with the surrender of a Class "E" temporary instructional permit.

(Amends R.S. 32:402.1)

Learner's Driver's Licenses (Act 327)

Present law requires an applicant under the age of 17 to maintain a Class "E" learner's license for 180 days while remaining accident free, unless the licensee is not at fault, and receive no convictions for moving violations or violations of seat belt or curfew laws of this state or any law pertaining to drugs or alcohol use.

New law requires a parent or legal guardian of the applicant to provide a signed statement to the department attesting to the fact that the applicant has followed all of the requirements in present law.

(Amends R.S. 32:407(A)(3)(c))

Surety Bonds for Driving Test Administrators (Act 216)

Present law requires third-party testers administering driving skills tests for Class "A", "B", or "C" driver's licenses to maintain a surety bond in the amount of \$10,000.

New law increases the surety bond amount from \$10,000 to \$40,000.

(Amends R.S. 32:408.1(A)(3))

DWI Penalties Clarification (Act 271)

Present law requires the DPS&C to suspend the driver license for 12 months upon receipt of satisfactory evidence of the conviction, or the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail, for any person charged with first offense vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of high or low alcoholic content, or narcotic drugs, or of central nervous system stimulants, regardless of whether or not the person was sentenced pursuant to C.Cr.P. Art. 893 or 894.

New law replaces "regardless of whether or not the person was sentenced" with "including those cases where a person's sentence is suspended" pursuant to C.Cr.P. Art. 893 or 894.

Present law provides that upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail, of any person charged with the offense of DWI with a certain blood alcohol concentration the following restrictions shall apply:

- (1) Upon first offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for two years and suffer certain further penalties.
- (2) Upon second offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for four years and suffer certain penalties.

New law retains present law but changes "first offense" and "second offense" to "first conviction" and "second conviction" in clauses (1) and (2).

Effective August 1, 2019.

(Amends R.S. 32:414(A)(1)(a) and (c))

Louisiana Trucking Research and Education Council (Act 314)

New law creates the La. Trucking Research and Education Council.

New law provides for the council's composition, membership terms, meetings, officers, and reimbursement for travel expenses.

New law specifies that the council is subject to the Public Records Law and the Open Meetings Law.

New law authorizes the council to exercise powers, including (1) contracting with any public or private person, partnership, association, or corporation to carry out the purpose of the council, and (2) entering into cooperative endeavor agreements with the La. Motor Transport Assoc. Foundation or its successor entity, a nonprofit corporation, for the use of staff and resources to carry out the powers and duties of the council.

New law imposes a surcharge levied at the rate of 3% on all Class 1 registration fees for trucks and trailers in excess of 23,999 lbs, as provided in present law, in addition to and simultaneous with any registration or license tax, as provided in present law.

New law requires that the surcharge be collected by the commissioner of the Dept. of Public Safety and Corrections, office of motor vehicles, at the issuance of any annual registration or license tax and requires that the gross amount collected be paid by the commissioner to the council on a quarterly basis.

(Adds R.S. 32:691-694)

Reinstatement of Driver's License after DWI Arrest (Act 318)

Present law relative to reinstatement of privileges does not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest or driving while intoxicated, unless the second or subsequent arrest occurs more than 10 years after the prior arrest.

Present law requires an ignition interlock device be installed in any motor vehicle operated by any person under certain circumstances related to a driving while intoxicated arrest as a condition of the reinstatement of that person's driver's license.

New law requires the department's records of arrests made for driving while intoxicated, as certified by the arresting officer, or reversals or recalls as a result of an administrative hearing or judicial review, be used to determine the application of the provisions of present law.

New law provides that if the suspension arising out of the arrest has been reversed or recalled, the arrest related to that suspension cannot be used to determine if present law applies to a driver's license reinstatement.

(Amends R.S. 32:667)

Drug Testing After Vehicle Accidents (Act 408)

Prior law provided that an operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs is deemed to have consented to and shall be administered a chemical test of his blood, urine, or other bodily substance to determine the presence of any abused substance or controlled dangerous substance.

New law requires that the collision or crash occur on the public highways, including waterways.

New law requires the tests be conducted: (1) when fatality occurs, (2) if it is foreseeable that a citation for a traffic violation or an arrest is imminent and the investigating officer finds that a bodily injury occurred that is rated as "suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report, (3) the operator voluntarily agrees to submit to a chemical test, or (4) a search warrant is issued, ordering the collection and testing of any bodily substance for purposes of new law.

New law requires tests for substance abuse or a controlled dangerous substance to be conducted also when a suspected serious injury occurs.

New law defines a "suspected serious injury", as provided for in the Fourth Edition of the Model Minimum Uniform Crash Criteria Guideline, to be any injury other than fatal which results in: (1) severe laceration resulting in exposure of underlying tissues, muscle, or organs, or resulting in a significant loss of blood, (2) broken or distorted extremity, (3) crush injuries, (4) suspected skull, chest, or abdominal injury other than bruises or minor lacerations, (5) significant burns, (6) unconsciousness when taken from the crash scene, or (7) paralysis.

New law defines "serious bodily injury" to mean a bodily injury which involves unconsciousness, a period of protracted unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

New law exempts the law enforcement officer and the law enforcement agency employing the law enforcement officer from civil or criminal liability as a result of any act or omission taken in response to new law.

Effective upon signature of the governor (June 20, 2019).

(Amends R.S. 32:681)

Office of Motor Vehicles Waiver of Penalties (Act 173)

Old law required motor vehicles used on highways to be covered by motor vehicle liability security and required the registered owner of a motor vehicle to maintain the security.

New law authorizes the commissioner of the DPS&C, public safety services, office of motor vehicles, to waive any penalty, procedure, or requirement if the motor vehicle liability security expired or cancelled when the motor vehicle's principal driver was the registered owner or owner's spouse or child who was in the hospital or has died, and the registered owner presents proof of such exceptional circumstance to the commissioner.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 32:861.2)

Louisiana Towing and Storage Act (Act 103)

Present law requires the Dept. of Public Safety and Corrections, office of state police, to adopt and levy fines for violation of the La. Towing and Storage Act. New law limits the fine to not more than \$500.

New law authorizes the Dept. to initiate an administrative action to suspend the storage license of a storage company for repeat violations of any provision of present law or for the failure to meet requirements for the issuance of a storage license. New law prohibits the suspension imposed from exceeding 30 days, except as otherwise provided in present law.

New law authorizes revocations to be issued for three or more suspensions.

New law grants a licensee an opportunity for an impartial hearing held in accordance with the Administrative Procedure Act prior to the suspension or revocation of any license.

New law defines "repeat violations" as three or more violations of the same administrative rule or regulation within a two-year period.

(Amends R.S. 32:1714(3) and 1724(A); Adds R.S. 32:1717.1(C))

TITLE 33: MUNICIPALITIES AND PARISHES

Petitions for Incorporation of Unincorporated Areas (Act 335)

Prior law provided, prior to the collection of signatures, for submission of a copy of the petition to the secretary of state, and for the secretary of state to endorse the fact and the date of filing. Prior law provided that the petition is deemed filed as of the date of endorsement, and required the secretary of state to notify the chairperson within 10 business days, by certified mail, return receipt requested, of the date of endorsement. Prior law prohibited the collection of signatures until the receipt of the notice of endorsement.

Prior law provided for the secretary of state to immediately transmit a copy of the petition, by mail or electronically, to the registrar of voters for each parish in which the new incorporated area is situated. Prior law required the registrar of voters, within 10 business days of the date of endorsement, to transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

New law retains prior law but changes the way a petition is considered filed from being deemed filed as of the date of endorsement to being considered filed when it is received in the office

of the secretary of state, or at the time it is postmarked by the U.S. Postal Service or is receipted on a return receipt request form if it is subsequently received in the office of the secretary of state.

New law provides for the secretary of state to notify the chairperson of the filing date within 10 business days, by hand delivery or certified mail, return receipt requested and prohibits the collection of signatures until the receipt of the notice of the filing date.

New law requires the registrar of voters, within 10 business days of the date of receipt of the incorporation petition, to transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 33:1(B)(1)(a) and (b))

Washington Parish Planning Committee (Act 98)

New law authorizes the Washington Parish planning (zoning) commission to cancel monthly meetings if there are no items to be placed on the agenda for the meeting.

(Amends R.S. 33:104(B))

Haughton Metropolitan Planning Commission of Bossier Parish (Act 75)

New law authorizes the creation of a metropolitan planning (zoning) commission for the town of Haughton and areas lying within five miles of the town's boundaries.

(Adds R.S. 33:140.50.1-140.50.39)

Vermilion and Iberia Railroad Development District (Act 159)

Present law creates the Vermilion and Iberia Railroad Development District as a political subdivision of the state for the primary object and purpose of promoting and encouraging development of the rail service running between the parishes of Vermilion and Iberia.

New law removes the requirement that two members have a bachelor's degree in agricultural science.

Old law required one member to be appointed by the Twin Parish Port Commission and the University of La. at Lafayette and requires that the member have a bachelor's degree in engineering and a minimum of five years experience at the management and operational level of a railroad company. New law removes the requirement that the member have a minimum of five years experience at the management and operational level of a railroad company.

(Amends R.S. 33:140.112(A))

Homer Police Chief Powers (Act 134)

Present law, applicable to most Lawrason Act municipalities, provides that the elected police chief makes recommendations to the mayor and board of alderman regarding the appointment, promotion, discipline, and dismissal of police personnel, while the mayor and aldermen are responsible for taking these actions.

New law, applicable to Homer, authorizes the police chief to appoint, promote, discipline, and discharge police personnel subject to the budgetary limitations of the mayor and board of alderman pertaining to the number of allotted positions.

(Adds R.S. 33:423.28)

Opelousas Police Chief (Act 321)

Present law, applicable to most Lawrason Act municipalities, provides that the elected police chief makes recommendations to the mayor and

board of alderman regarding the appointment, promotion, discipline, and dismissal of police personnel, and provides that the mayor and alderman are responsible for taking these actions with regard to police personnel.

New law, applicable to Opelousas, provides that the police chief disciplines police personnel, not including termination, subject to the budgetary limitations of the mayor and board of alderman pertaining to the number of allotted positions.

(Adds R.S. 33:423.28)

Mayors' Courts for Jurisdiction and Procedure (Act 210)

Present law establishes mayor's courts with jurisdiction over all violations of municipal ordinances.

New law expands the current jurisdiction of mayor's courts to allow for the collection of municipal utility debts. New law provides that this jurisdiction shall be concurrent with the district courts where the amount in question does not exceed \$5,000. If the amount in question exceeds the jurisdictional limits of the mayor's court, new law requires the action to be transferred to a court of proper jurisdiction.

New law requires the court to appoint a lawyer to serve as a court magistrate to hear all civil utility debt suits and authorizes the magistrate to impose court costs against the debtor not to exceed \$35.

New law provides that any person against whom a judgment is rendered in a mayor's court shall have the right of direct appeal to the district court for the parish in which the mayor's court is situated, which shall be tried de novo. New law requires the judge to inform the appellant of this right.

New law requires the appeal to be filed within 10 days of the date of the judgment and authorizes the district court to assess costs as authorized by law to the party against whom judgment is rendered.

New law provides that a party against whom a judgment is rendered shall be given written notice of the right to an appeal within 10 days of rendering of judgment.

New law provides that delay for appeal shall not run until the day after notice has been provided to the party.

New law provides that there shall be no prepayment of court costs once the appellant has been determined to be indigent.

New law shall not apply to Jefferson Parish.

Effective upon signature of governor (June 11, 2019).

(Adds R.S. 33:441(A)(5))

Livingston Mayor's Court (Act 349)

Prior law, relative to mayor's court, authorized the mayor to impose court costs not to exceed \$30 for each offense on any defendant convicted of a violation of a municipal ordinance.

New law provides that the mayor of the town of Livingston may impose court costs not to exceed \$50 dollars for each offense on any defendant convicted of a violation of a municipal ordinance.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 33:447.16)

Acadia Parish Officers (Act 175)

New law requires the Acadia Parish governing authority to elect the parish secretary-treasurer for a term of four years, to be concurrent with the term of the parish governing authority members.

New law provides that the governing authority of Acadia Parish make an appointment if a vacancy occurs prior to the expiration of a term.

Effective August 1, 2019.

(Adds R.S. 33:1651(C))

Abbeville Fire and Police Pay and Sales Tax (Act 189)

New law provides for full-time employees of the fire and police departments of the city of Abbeville to receive an equal raise without consideration of rank or longevity.

New law authorizes the city of Abbeville, subject to voter approval, to levy an additional sales and use tax not to exceed 1%. New law provides that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by present constitution or prior law.

New law provides that the proceeds of the tax may be dedicated to provide sustainable raises for full-time employees of the city of Abbeville, as determined by the City.

New law provides ballot proposition language.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 33:1992(E) and 2212(F)(3), and R.S. 47:338.24.6)

Fire Employees (Act 267)

Present law defines a "fire employee," for purposes of procedures applicable to the investigation of such an employee, as anyone employed in a full-time fire department, regardless of his specific duties, who is under investigation.

New law retains present law and additionally defines "fire employee" to include employees of nonprofit corporations under contract with a fire protection district or other political subdivision to provide fire protection services.

Effective August 1, 2019.

(Amends R.S. 33:2181(A)(1))

Houma Police Department Salaries (Act 146)

New law provides that each member of the police department of the city of Houma who has

completed three years of continuous service shall receive an increase in salary of 2% and shall thereafter receive an increase in salary of 2% for each year of service. New law requires that the base pay, the accrued longevity, and state supplemental pay be used in computing longevity pay.

Effective July 1, 2019.

(Adds R.S. 33:2212(I))

Houma Police Dispatchers (Act 67)

Present law authorizes the city of Houma to establish and implement 12-hour work shift cycles for all paid patrolmen, patrolmen first class, sergeants, lieutenants, captains, or any other employees of the police department except those in a position, grade, or class above that of captain, and requires that these employees be paid overtime at 1.5 times the usual salary for hours worked during the two-week pay cycle that exceed 80 hours or be credited with compensatory time on a 1.5 times basis for all hours in such cycle that exceed 80 hours.

New law additionally makes present law applicable to police dispatchers employed by the Houma police department.

(Amends R.S. 33:2213(K))

Houma Police Chief (Act 145)

Present law generally provides that the positions of fire chief and police chief shall be in the classified service.

Old law provided, as an exception, the position of police chief in the city of Houma is in the unclassified service.

Old law provided that the provisions of old law were null and void on July 1, 2016.

New law repeals old law, relative to the police chief in Houma.

(Repeals R.S. 33:2481.3)

Civil Service (Act 224)

New law authorizes the state examiner to call for and administer competitive examinations for entrance jailer and clerical classes encompassing secretary to the chief and departmental records clerk.

Present law provides that the name of a person who has attained a passing score on an examination administered by the state examiner for various positions may be placed on the employment list of any municipality, parish, or fire protection district, provided the person's application and score are accepted by the board of the respective jurisdiction.

New law adds entrance jailer and clerical classes encompassing secretary to the chief and departmental records clerk to the list of names that may be placed on an employment list in any jurisdiction, subject to present law limitations.

(Amends R.S. 33:2491(I), 2492(2) and (7), 2493(C), 2551(9), 2552(2) and (7), and 2553(C))

Radio and Fire Alarm Supervisors (Act 275)

New law retains present civil service law for application for the operation and maintenance of any radio, fire alarm, or other signal system, but provides for the exclusion of supervision positions from competitive testing.

New law retains present civil service law for a municipality having a population between 198,000 and 200,000 according to the most recent decennial census (there were no such parishes in 2010).

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Const. 1921, Art. XIV, Sec. 15.1(22)(g)(4) and R.S. 33:2492(7)(d) and 2552(7)(d))

Baton Rouge Classified Police Service (Act 230)

New law provides an exception applicable to the city of Baton Rouge, which requires the appointing authority to select and appoint to any vacancy to be filled a person certified to him as a person who is among the five highest in departmental seniority.

(Adds R.S. 33:2494(C)(4))

Jennings Deputy Chief of Police (Act 24)

New law changes the qualifications for the position of deputy chief of police in the city of Jennings from not less than 10 years to not less than five years of full time law enforcement experience.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2541.1(B)(1)(b))

East Baton Rouge Parish Capital Improvement District (Act 86)

Old law authorized the governing authority of East Baton Rouge Parish to create, by ordinance, one or more capital improvement districts within the parish.

New law changes old law to provide that any parish with a population of more than 440,000 persons as established by the most recent federal decennial census (in 2010, only East Baton Rouge Parish) is authorized to create, by ordinance, one or more capital improvement districts within the parish.

Present law authorizes the governing authority of the district, in order to fund projects of capital improvement within any district, to levy a sales and use tax, in addition to all other taxes currently levied in the parish. Old law did not include an exemption for food and prescription drugs.

New law contains an exemption from the tax for the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption, in the parish of food for home consumption and prescription drugs in

accordance with the definitions of food for home consumption and drugs provided in R.S. 47:305.

New law provides that the provisions of new law relative to the sales and use tax exemptions for food and prescription drugs are intended to clarify that such exemptions were always intended and believed to be exempt from taxation and therefore these provisions shall be applied retroactively, as well as prospectively.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2740.9)

Educational Facilities Improvement Districts (Act 422)

Present law creates an educational facilities improvement district, in the school districts in 25 parishes and in the cities of Monroe and Baker, with the authority to levy a sales tax of not more than 1%, subject to voter approval, and to issue bonds secured by such tax to aid school districts in acquisition, construction, and maintenance of facilities, property, and equipment.

New law extends such improvement districts to each school district statewide.

Present law provides that such districts shall have boundaries coterminous with the school district.

Present law provides that such districts are created for purposes of assisting school boards to purchase, construct, or improve school buildings and other school-related facilities; acquire necessary or desirable equipment and furnishings therefor; repair, maintain, and rehabilitate existing school-related facilities; acquire or improve lands for building sites, playgrounds, and other school related areas, title to which shall be vested in the public, and to maintain such facilities; to provide funding for other matters for which school boards are authorized by law to expend funds; and generally to assist school boards experiencing financial difficulties regarding capital facilities or other needs.

Present law provides for governance of such districts by a board of at least 5 directors (the number to be determined by the respective school board) and provides for the terms, selection of officers, domicile, and a place or places for meetings. Present law provides that directors shall serve without compensation but may receive reimbursement of expenses at a rate not to exceed the rate for state employees.

(Amends R.S. 33:2740.37(B)(1) and (F))

Lower Ninth Ward Economic Development District in Orleans Parish (Act 322)

New law changes the membership of the governing board and the qualifications of board members.

New law requires rather than merely authorizes the board to conduct hearings, publish notices, and disseminate information with respect to the development plan.

New law provides that the terms of the board members in office on the effective date of new law terminate on that date; however, the members must remain in office until the board members appointed as provided in new law take office.

(Amends R.S. 33:2740.54)

Gentilly Development District in Orleans Parish (Act 347)

New law adds a member to the board of commissioners.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 33:2740.70(D)(1))

Orleans Parish Development District (Act 266)

New law creates the Mid City Economic Development District in the parish of Orleans.

New law provides that district boundaries shall encompass the area included within the following

perimeter: I-10, LaSalle St., Tulane Ave., and Broad St.

New law authorizes the city council of New Orleans, subject to voter approval, to levy and collect, for a term not to exceed 50 years, a special ad valorem tax, subject to the homestead exemption as provided by the constitution.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2740.70.2)

Sewerage Districts (Act 69)

Present law authorizes police juries to create sewerage districts.

Present law requires the police jury to appoint at least three but no more than five property taxpayers residing within the district as the district's board of supervisors, but provides exceptions for district governance.

New law provides an additional exception for parishes governed by home rule charters, excluding Orleans Parish. New law authorizes these parishes to provide, by ordinance, for the governance of districts created by the parishes, which ordinances may provide for the creation of one or more supervising boards. New law requires ordinances creating these boards to provide for the appointment and compensation of board members.

(Adds R.S. 33:3887.8)

Iberville Parish Parks and Recreation District (Act 61)

Old law provided for the Iberville Parks and Recreation District as a political subdivision of the state to administer all parks and recreation activities in Iberville Parish.

New law changes the name to the Iberville *Parish* Parks and Recreation District.

Old law provided for an 11-member board of commissioners composed of seven citizen

members who are not elected officials and four ex officio members.

New law provides instead that the Iberville parish governing authority shall serve as the members of the district's board of commissioners.

(Amends R.S. 33:4569, 4569.1, 4569.2, 4569.3)

River Parishes Convention, Tourist, and Visitors District (Act 168)

Old law authorized the commission to levy a hotel/motel occupancy tax at a rate not to exceed 2%. New law raises maximum hotel/motel occupancy tax to 4%.

Old law required that the commission meet at least quarterly but not more than once per month. New law deletes prohibition against commission meeting more than once per month; otherwise retains old law.

New law makes the following changes to the powers of the commission:

- (1) Adds the receipt of matching state funds as a circumstance when the commission may spend money on capital improvements.
- (2) Limits the prohibition on exercising any function which results in competition with local retail businesses or enterprises to functions which would result in direct competition.
- (3) Provides that the commission's power to do all things necessary to attract conventions, tourists, and visitors includes the management of various points of interest and adds film studios and activities and docking facilities to such points of interest.

(Amends R.S. 33:4574.12)

St. Tammany Parish Harbor District (Act 182)

Old law authorized the creation of the Northshore Harbor Center District in St. Tammany Parish for

the purpose of acquiring, constructing, developing, maintaining, and operating an events center and the programs and events.

New law changes the name of the district from Northshore Harbor Center District to Harbor Center District.

New law authorizes the board of commissioners to use its annual tax, fee, or assessment for repair, reconstruction, refurbishment, and renovation of any facility owned or to be owned by the district and for the replacement of machinery, equipment, and furnishings.

New law changes the amount the tax shall not exceed from \$1 to \$2.

Effective August 1, 2019.

(Amends R.S. 33:4575 and 4575.3(7), (10), and (20)(a), and R.S. 47:302.26(C)(3); repeals R.S. 33:4575.6)

Assumption Parish RV Parking Tax (Act 59)

New law authorizes the governing authority of Assumption Parish, subject to voter approval, to levy and collect a parking and use tax within recreational vehicle parks located in the parish.

New law provides that such tax shall not exceed \$4.90 per rented parking space per day.

New law requires that the tax be paid by the person who parks or is entitled to park a recreational vehicle at the time the rent or fee for parking is paid.

Effective July 1, 2019.

(Adds R.S. 33:4579)

Ernest N. Morial-New Orleans Exhibition Hall Authority (Act 172)

Present law creates the Ernest N. Morial-New Orleans Exhibition Hall Authority (convention center authority). The purpose of the convention center authority is to acquire, construct, reconstruct, extend, improve, maintain, and

operate projects within the city of New Orleans in order to promote the economic growth and development of the city and its neighboring parishes.

Old law defined "project" to mean convention, exhibition, and tourist facilities and necessary site improvements, infrastructure, furnishings, machinery, equipment, and appurtenances, but excludes lodging facilities.

New law adds acquisition of necessary land and a hotel with multi-story parking garage and bridge connecting the hotel and the south end of the convention center to the definition of "project."

New law provides for certain payments in lieu of ad valorem taxes on the hotel and any other project developed jointly with a private partner on land that is owned by the authority or that is otherwise exempt from property taxes.

Old law defined "expansion project" to include various specified phases and stages of expansion of the existing convention center. New law modifies old law by removing certain projects and adding the convention center hotel, a five-year capital plan, and other riverfront development adjacent to or in support of the convention center.

Old law authorized the convention center authority to levy various taxes and pledge the proceeds thereof as security for bonds for purposes of projects.

Old law provided that the levy of the taxes is subject to approval of the governing authority of New Orleans and the voters of New Orleans.

New law authorizes the convention center authority to levy taxes of the same type and at the same rates as described above, but now such taxes are not subject to approval of the governing authority of New Orleans or of the voters of New Orleans.

New law provides that taxes authorized by new law are to be levied in lieu of the equivalent tax authorized by old law and that proceeds of taxes authorized by new law are subject to the same

pledges as the equivalent tax authorized by old law.

Old law provided relative to the payment of the contractor service tax and the sight-seeing tour tax and dedicated proceeds to specific purposes including one phase of the expansion project. New law provides that proceeds may be used for any expansion project.

New law provides for termination of above described old law and new law taxes upon payment of all bonds and similar debt obligations of the authority payable in whole or in part from or secured by such taxes and issued before July 1, 2029.

New law prohibits the authority from issuing bonds or incurring debt in any form for a term of more than 40 years from date of issuance.

New law prohibits the authority from issuing bonds or incurring debt in any form for a specified expansion project after July 1, 2029.

Old law required that proceeds of certain taxes remaining after the payment of obligations secured by those taxes be deposited into a special escrow fund to be used solely to retire certain obligations in advance of their maturities at a price not greater than the applicable redemption price. New law repeals old law.

New law requires the authority to present to the city council of New Orleans an annual report on its financial condition, and specifies information that must be included in the report.

New law incorporates uncodified Acts of the legislature relating to the Ernest N. Morial-New Orleans Exhibition Hall Authority into the La. Revised Statutes of 1950.

A table provided by the legislative staff (but omitted here) indicates the Sections of Act No. 305 of 1978 R.S., as amended, the most recent expression of the legislature on each of those Sections or portions thereof, and the placement of those provisions in the proposed codification scheme in Title 33 of the La. Revised Statutes of 1950.

(Adds R.S. 33:4710.11-4710.30)

Ernest N. Morial-New Orleans Exhibition Hall Authority (Act 343)

New law changes the membership of the board of commissioners.

New law renames the New Orleans Restaurant Association to the Louisiana Restaurant Association, Greater New Orleans Chapter; the Greater New Orleans Hotel and Motel Association to the Greater New Orleans Hotel and Lodging Association, and the Greater New Orleans Tourist and Convention Commission to the New Orleans & Company, formerly the New Orleans Convention and Visitors Bureau.

New law provides for incorporation of new law into the La. Revised Statutes of 1950 if HB 617 of this 2019 R.S. becomes law.

Effective as of times set forth in Act.

(Amends §2(a) of Act No. 305 of 1978 R.S., as amended; or amends R.S. 33:4710.12(A)(intro. para.); adds R.S. 33:4710.12(A)(1)(f))

Buildings Naming (ACTS 131, 132 and 356)

New laws authorize naming of certain buildings.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4712.20)

Avoyelles Parish Justice Center District (Act 138)

Present law requires that a parish governing authority provide a courthouse, with rooms for jurors and a jail.

Old law created a parish justice center district, in any parish with a population of not less than 41,500 and not more than 45,000 people, to locate, build, operate, and maintain courtroom and related facilities for the judicial district that encompasses the district.

New law limits the applicability of old law to Avoyelles Parish and creates the Avoyelles Parish Justice Center District (district), which is authorized to locate, build, operate, and maintain courtroom and related facilities for the Twelfth Judicial District anywhere within the boundaries of the judicial district as deemed appropriate by the board of commissioners.

Old law provided for governance of the district by the elected judges of the judicial district.

New law provides instead for governance by a board of not less than three nor more than seven commissioners appointed by and serving at the pleasure of the elected judges of the judicial district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4715.3(A) and (B))

State Sales Tax Increments (Act 405)

Prior law provided that a sales tax increment shall consist of that portion of sales tax revenues for any or all taxing authorities, except for the state of Louisiana and any political subdivision whose boundaries are coterminous with the state.

Prior law provided limited exceptions to the prohibition regarding the use of sales tax increments of the state.

New law provides an additional exception to the use of state sales tax increments for the expansion of projects if the original cooperative endeavor agreement authorizing the use of the state sales tax increment was executed before July 1, 1997, and did not expire before Aug. 1, 2019.

New law does not allow the extension of the state sales tax increment beyond Dec. 31, 2033.

Effective August 1, 2019.

(Amends R.S. 33:9033)

Tax Increment Financing Districts (Act 203)

New law authorizes the creation of one or more tax increment financing districts in parishes with a population of more than 440,000 persons as established by the most recent federal decennial census (only East Baton Rouge Parish in 2010) in order to address the needs of areas where there is substantial and persistent unemployment, underemployment, and other forms of economic distress.

New law provides that the district shall be established by ordinance, which ordinance shall designate the boundaries of the district. Prior to adoption of the ordinance, a notice of the boundaries of the district shall be advertised twice in the official journal of the parish.

New law provides that in determining the boundaries of the district, the parish governing authority shall consider the U.S. Census Bureau, American Community Survey 5-year estimates, ZIP Code Tabulation Areas (ZCTA). The district may contain all or a part of one or more ZCTAs with a poverty rate of at least 20% more than the poverty rate for the entire parish. The ZCTA in which the parish seat of government is located shall not be included in any district.

New law provides that if the governing authority of a parish proposes to establish a district whose boundaries include any territory located within the corporate limits of a municipality, the parish governing authority shall not adopt the ordinance creating the district without the written consent of the governing authority of the municipality.

New law provides for the composition, quorum, and domicile of the board of commissioners, and for public meetings, officers, bylaws, and records.

New law authorizes the governing authority of the parish to authorize which, if any, members of the board may have designees represent them at board meetings.

New law provides that each district, acting by and through its board, shall exercise all powers of a political subdivision.

New law authorizes the board to designate subdistricts within the district and to provide relative to the authority of the subdistricts.

New law provides that the district shall have the tax increment finance authority, taxing authority, and other authority that is provided to local governmental subdivisions in prior law.

New law provides that an economic development project within the district is deemed to be an "economic development project" within the meaning provided for in prior law.

New law provides that an agreement entered into by the district and any affected tax recipient entity authorizing the use and dedication of the affected tax recipient entity's incremental increase in taxes may include additional public or private entities as parties to the agreement and may include terms, conditions, and other provisions to which all parties to the agreement consent.

New law authorizes the district to pledge any taxes collected under the authority of new law to any economic development project in furtherance of the purposes of the district.

New law provides that the district shall dissolve and cease to exist one year after the date all bonds, notes, and other evidences of indebtedness of the district, including refunding bonds, are paid in full as to both principal and interest, but in no event shall the district have an existence of less than three years.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 33:9038.72)

East Baton Rouge Parish Improvement District (Act 357)

New law creates the Monticello Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district.

New law provides for membership of board of commissioners, that members serve without compensation and without reimbursement of expenses, and for the powers and duties of the district.

New law authorizes the governing authority of the city of Baton Rouge, parish of East Baton Rouge, subject to voter approval, to impose and collect a parcel fee within the district, not more than \$100 per parcel per year.

New law provides that the district shall adopt an annual budget in accordance with present law and shall be subject to audit by the legislative auditor's office.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.30)

Lakeshore Crime Prevention District in Orleans Parish (Act 107)

Present law provides that 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.

New law provides that the purpose of the district shall be to aid in crime prevention through the following:

- (1) By procuring private patrol services, security cameras, and other products or services reasonably designed to enhance the security of district residents.
- (2) By disseminating newsletters or other information on crime prevention or security matters.
- (3) By engaging in other activities ancillary to crime prevention.

Present law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose a parcel fee on behalf of the district, not to exceed \$360 per improved parcel

per year. New law increases the maximum rate of the fee from \$360 to \$420 per improved parcel per year.

Present law provides that the fee shall expire on Dec. 31, 2010, but authorizes renewal of the fee, subject to voter approval. New law provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee.

New law provides that the provisions of the Act have no effect on the parcel fee being imposed within the district on the effective date of the Act. New law provides that the fee shall continue to be imposed until it expires after which the fee authorized by new law may be levied.

(Amends R.S. 33:9091.7)

Jefferson Place/Bocage Improvement District in East Baton Rouge Parish (Act 73)

Present law creates the Jefferson Place/Bocage Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state in order 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.

New law provides for the expansion of the district's boundaries to include a specified area, subject to approval of the voters in that area.

New law requires members of the board of commissioners to be qualified voters residing within the district.

Present law authorizes the district, subject to voter approval, to impose and collect a parcel fee.

Old law authorized the renewal of the fee after 10 years, at any regularly scheduled election in East Baton Rouge Parish.

New law removes such scheduling requirement and requires that any election be held in accordance with the La. Election Code.

Present constitution provides for an exemption from the parcel fee if the owner qualifies for the special assessment level.

New law limits the exemption to those owners who qualified prior to Jan. 1, 2020.

(Amends R.S. 33:9097.12)

Goodwood Neighborhood District in East Baton Rouge Parish (Act 63)

New law relative to the Goodwood Homesites Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish, makes changes to the membership of the board of commissioners, provides with respect to the board's powers and duties, and provides relative to the parcel fee imposed within the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9097.20)

Fairwood Improvement District in East Baton Rouge Parish (Act 329)

New law creates the Fairwood Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district.

New law provides for board membership, reimbursement for expenses, and powers and duties.

New law authorizes the district, subject to voter approval, to impose and collect a parcel fee within the district, not more than \$100 per residential parcel per year and \$500 per commercial parcel per year.

New law provides that the district shall adopt an annual budget in accordance with present law and shall be subject to audit by the legislative auditor's office.

New law provides for indemnification of board members by the district and limits board member liability for acts or omissions arising out of the performance of a member's duties.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.30)

Tangipahoa Communications District No. 1 (Act 389)

New law provides that the members of the board of commissioners of Tangipahoa Communications District Number 1 shall each receive a per diem of \$50 for attending a meeting of the board for a maximum of one regular meeting per month and six special meetings per year.

(Adds R.S. 33:9103(F))

TITLE 34: NAVIGATION AND SHIPPING

Calcasieu-Cameron Navigation District (Act 339)

Prior law required the board of commissioners of the Calcasieu-Cameron Navigation District to meet in regular session once each month and to meet in special session as often as the president of the board convenes them, or on written request of three members.

New law changes the requirement that the board meets from once each month to once each quarter.

Effective August 1, 2019.

(Amends R.S. 34:484(B))

Derelict Houseboat Fund (Act 139)

Old law required the revenue collected from motorboat, sailboat, and houseboat registration fees be paid into the Derelict Houseboat Fund.

New law requires the revenue collected from motorboats and sailboat registration fees be paid into the Conservation Fund to administer and

enforce present law motorboat and vessel provisions and other purposes as the La. Wildlife and Fisheries Commission determines.

Present law requires the monies in the Derelict Houseboat Fund paid by owners of houseboats be used for awarding grants to parish governments to remove any unattended, derelict, junked, or abandoned houseboat in any waterway, whether navigable or not, or on the banks thereof within the state of La.

New law retains present law and authorizes an amount not to exceed 10% of annual appropriation of the Derelict Houseboat Fund to be used to administer and enforce the derelict houseboat program and present law boating provisions.

(Amends R.S. 34:851.32(A)(1), (B), and (C) and R.S. 56:10.2)

Greater Baton Rouge Port Commission (Act 180)

New law adds the parish of Pointe Coupee to the port area.

New law changes the total number of members on the commission from 15 to 17, and adds two commissioners appointed by the governor from a panel of six names submitted by the legislative delegation of the parish of Pointe Coupee.

New law pledges the full faith and credit of the parish of Pointe Coupee irrevocably on parity with the parishes of East Baton Rouge, West Baton Rouge, Iberville, and Ascension to the commission's presently outstanding bonds, notes, and obligations, as well as to all bonds, notes, and obligations hereafter authorized, sold, and incurred by the commission.

New law provides that all existing assets, debts, obligations, and contracts of the Pointe Coupee Port, Harbor and Terminal District, and the Pointe Coupee Port Commission are given full force and effect and are transferred to the Greater Baton Rouge Port Commission and the Port of Greater Baton Rouge on January 1, 2020.

New law abolishes the Pointe Coupee Port, Harbor and Terminal District and the Pointe Coupee Port Commission and terminates the terms of the members of the Pointe Coupee Port Commission in office on or after twelve o'clock noon April 8, 2019, on December 31, 2019.

New law provides that if future legislation is filed, and passed, such that the parish of Pointe Coupee is removed from the jurisdiction of the Greater Baton Rouge Port Commission, any and all assets, liabilities, and contracts conveyed by new law are to be transferred to the parish of Pointe Coupee's governing authority.

New law provides that if assets are conveyed by new law to the parish of Pointe Coupee's governing authority, then the Port of Greater Baton Rouge shall be reimbursed and compensated for the enhanced value of the property which resulted from its efforts since the assets were conveyed to the Greater Baton Rouge Port Commission.

New law provides that if the parish of Pointe Coupee is removed from the jurisdiction of the Greater Baton Rouge Port Commission, the two appointees created by new law shall cease to exist and shall no longer serve as members of the Greater Baton Rouge Port Commission.

Effective January 1, 2020.

(Amends R.S. 34:1221(A), 1223(A), and 1224(A); repeals R.S. 34:2451-2458)

Greater Lafourche Port District (Act 278)

Present law authorizes the governing authority of the Greater Lafourche Port District, with approval of the State Bond and Tax Board, to incur debt for its lawful purposes and to issue in its name, negotiable bonds or notes.

Present law prohibits the amount of such bonds and notes outstanding at any one time from exceeding \$25,000,000.00.

New law removes the prohibition that the amount of such bonds and notes outstanding at any one time shall not exceed \$25,000,000.00.

Present law provides that no bonds issued by the commission to which the revenues derived from ad valorem taxes are pledged shall bear a greater rate of interest than six percent per annum.

New law deletes the limitation on interest rates to which the revenues derived from ad valorem taxes are pledged.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 34:1653; repeals R.S. 34:1654(C))

South Louisiana Port Commission (Act 64)

New law changes the titles of president and vice president of the commission to chairman and vice chairman of the commission.

(Amends R.S. 34:2472(A) and 2473(F)(3))

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

Notary Public Qualifications (Act 9)

Old law provided for the qualifications to be commissioned as a notary public, which include, in part, that the applicant have a high school diploma or a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or the applicant has been issued a high school equivalency diploma after successfully completing the test of General Educational Development.

New law replaces the General Educational Development test with a high school equivalency test approved by the Board of Supervisors of Community and Technical Colleges as a qualification.

Old law provided that the deadline for the application and the application fee shall be no later than 60 days prior to the date of the examination. New law changes the deadline from 60 days to 30 days.

(Amends R.S. 35:191(A)(1)(d) and (C)(1)(d);
Repeals R.S. 35:191(V) and (W))

DeSoto Parish Notaries (Act 3)

New law authorizes the president of the DeSoto Parish Police Jury to designate up to two employees within his office as ex officio notaries public.

New law provides that each employee appointed as an ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the police jury.

New law provides that all acts performed by each ex officio notary public shall be performed without charge or other compensation and without the necessity of giving bond.

New law provides that the president of the police jury may suspend or terminate an appointment made in his office at any time, and a separation from the employ of the parish shall automatically terminate an appointment as an ex officio notary public.

(Adds R.S. 35:417)

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

Rural Water Infrastructure Committee (Act 126)

New law creates the Rural Water Infrastructure Committee within the office of the governor for the purpose of providing advice and guidance to the governor on all matters relative to rural water systems in Louisiana.

New law provides for the membership of the committee and their terms.

New law provides that committee members will serve without compensation and authorizes legislative members of the committee to receive

the same per diem and travel allowance for attending meetings of the committee as is normally provided for meetings of legislative committees.

New law authorizes the committee to request administrative and technical support from the governor's office.

New law requires the committee to perform various functions and duties, including to advise and provide technical assistance to rural water systems, local governments, and nonprofit organizations to improve infrastructure and ensure compliance with state and federal regulations.

New law requires the committee to advise and make recommendations to the governor on various matters, including establishing funding criteria for rural water systems.

New law requires the committee to submit a written report to the governor by March first of each year relative to the progress, challenges, and recommendations concerning policy and possible legislation relative to rural water systems.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 36:4(BB) and R.S. 49:220.31-220.33)

Palliative Care Interdisciplinary Advisory Council (Act 351)

New law defines "palliative care" as person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness.

New law provides that palliative care is appropriate for a patient of any age and at any stage of a serious illness and can reduce medical costs and patient recovery time when provided by an interdisciplinary team of physicians, nurses, social workers, and other healthcare specialists in order to provide an additional source of support to a patient with a serious illness.

New law defines "palliative care for children" as the care appropriate for children and their families that begins at diagnosis and continues regardless of whether or not the treatment is directed at the disease.

New law establishes the Palliative Care Interdisciplinary Advisory Council to study and make recommendations to the secretary and the legislature regarding the availability of patient-centered and family-focused palliative care in this state.

New law provides that the department shall provide staff support for the council and shall post notices and materials regarding the council on its website.

New law provides for analysis of information regarding palliative care to be included in recommendations to the secretary and the legislature and for the creation of an educational initiative, including the addition of such information on the department's website.

Terminates on March 31, 2022, unless reauthorized by the legislature.

Effective August 1, 2019.

(Adds R.S. 36:259(B)(36) and R.S. 40:2018.6)

Washington Parish Reservoir District (Act 196)

New law abolishes the district effective September 1, 2019, and provides that prior to September 1, 2019, the board of commissioners shall take all appropriate actions to collect any funds due and owing to the district and to pay or satisfy any obligations and liabilities of the district.

New law provides that all property, immovable or movable, shall be transferred to the Department of Culture, Recreation and Tourism, and any monies transferred to the Department shall be deposited into the Louisiana State Parks Improvement and Repair Fund to be used, subject to legislative appropriation, for the Bogue Chitto State Park for expanding recreation.

New law provides that the Secretary of the Department of Culture, Recreation and Tourism shall conduct a town hall meeting no later than August 1, 2020, in Washington Parish with the legislative delegation for Washington Parish to determine what are the best options for expansion of recreation for Washington Parish at Bogue Chitto State Park.

Provisions requiring transfer of property to the Department of Culture, Recreation and Tourism are effective upon signature of the governor (June 11, 2019). Repeal of the Washington Parish Reservoir District is effective September 1, 2019.

(Repeals R.S. 36:509(S) and R.S. 38:3087.191-3087.206)

TITLE 37: PROFESSIONS AND OCCUPATIONS

Physician Recommendations of Medical Marijuana (Act 284)

Present law authorizes physicians who are domiciled in this state and licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

New law deletes the requirement that the physician be domiciled in this state; otherwise, retains present law.

Present law authorizes physicians with the necessary qualifications to recommend medical marijuana in any form as permitted by the rules and regulations of the La. Board of Pharmacy except for inhalation and raw or crude marijuana.

New law deletes the prohibition on medical marijuana in inhalation form; otherwise, retains present law.

Engineers and Architects (Act 281)

Present law requires that when a complaint is filed with a professional or occupational board or commission, the board or commission shall

notify the licensee in writing within six months or be barred from further action on the complaint.

New law exempts the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from present law.

Present law requires that when a complaint is filed with an occupational or professional board, a hearing shall be held within six months of the notice of the hearing, barring any interruption by the filing of any motion.

New law exempts the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from present law.

(Adds R.S. 37:21(C))

Licensing Boards and Secrecy (Act 179)

New law provides that no professional or occupational licensing board or commission shall:

- (1) Enter into a consent decree with a licensee, permittee, or certificate holder if such decree contains a nondisparagement clause. Such a nondisparagement clause contained in a consent decree is contrary to public policy of this state and shall be null, void, and unenforceable.
- (2) Initiate any disciplinary actions against a licensee, permittee, or certificate holder for providing testimony or records to a legislative body.

Effective August 1, 2019.

(Adds R.S. 37:23.3)

Louisiana State Board of Dentistry (Act 324)

New law requires that the appointee to a certain at-large seat on the board (At-Large Seat C) be one of three specified types of licensed dentist.

(Amends R.S. 37:753(C)(2))

Dental Direct Primary Care Agreement (Act 55)

New law provides for a direct primary care agreement with a dental practice. New law defines "board", "dentist", "direct primary care agreement", and "direct dental practice".

New law stipulates that a direct primary care agreement with a dental practice is not health or dental insurance; that a patient shall not forfeit their insurance, Medicaid, or Medicare benefits by purchasing a direct primary care agreement; and that a dentist entering into a direct primary care agreement is not required to obtain a certificate of authority or license other than to maintain a current license to practice dentistry in this state.

New law provides that a direct primary care agreement must be in writing; be signed by a dentist, or agent of the dentist, and the patient, or his or her legal representative; allow either party to terminate the agreement with 30-days written notice to the other party; describe the scope of the services to be covered by the fee; specify the periodic fee and any additional fees outside of the periodic fee; specify the duration of the agreement and any automatic renewal periods; require that no more than 12 months of the periodic fee be paid in advance; and, provide that upon termination of the agreement by the patient, all unearned fees are to be returned to the patient.

New law provides that the following be prominently stated in writing in the agreement: the agreement does not constitute health or dental insurance; that a patient insured with the Patient Protection and Affordable Care Act may already have coverage for pediatric dental benefits; that payments made may not count toward a patient's health insurance deductibles and maximum out-of-pocket expenses; and that a patient is encouraged to consult with their insurance plan before entering into the agreement and receiving care.

New law allows a direct dental practice to accept payment of periodic fees for a direct primary care

agreement directly or indirectly from third-parties, including employers.

New law prohibits a direct dental practice from declining a new direct primary care patient or discontinuing service because of a patient's health status, race, religion, national origin, the presence of any sensory, mental or physical disability, education, or economic status.

New law allows a direct dental practice to refuse care if in the dentist's opinion, a patient's health condition is such that the provider is unable to provide the appropriate level or type of services or if the dental practice has reached maximum capacity.

New law allows a direct dental practice to discontinue care if a patient fails to pay the periodic fee, performs an act of fraud concerning the agreement, repeatedly fails to adhere to the recommended treatment plan, is abusive or presents a danger to the staff or other patients, or the direct dental practice discontinues operations.

New law provides for prohibited and authorized practices.

New law provides that violations of new law constitute unprofessional conduct under R.S. 37:775 and result in sanctions as authorized in present law.

Effective August 1, 2019.

(Adds R.S. 37:798)

Medication-Assisted Treatment (Act 414)

New law defines MAT as the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

New law provides that advanced practice registered nurses (APRNs) and physician assistants (PAs) may provide medication-assisted treatment in accordance with federal and state laws and state rules governing MAT services.

New law provides that, at a minimum, state rules shall require the APRN's collaborating physician and the PA's supervising physician to be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT.

Effective August 1, 2019.

(Adds R.S. 37:913(3)(c) and 1360.31(C)(4))

Certified Mediation Attendants (Act 45)

Present law requires an applicant for the certified medication attendant drug administration training course to be a citizen of the United States and a resident of Louisiana. New law clarifies and expands the citizenship requirement to allow for a citizen of the United States, a United States national, or an alien lawfully admitted for permanent residency in the United States and repeals the state residency requirement.

New law makes technical corrections to the eligibility requirements.

Effective August 1, 2019.

(Amends R.S. 37:1025(A))

Pharmacy Board Members (Act 52)

Old law required a pharmacist member of the Board of Pharmacy to have five years of experience in the practice of pharmacy in this state after licensure. New law reduces the years of experience from five years to two years.

Effective August 1, 2019.

(Amends R.S. 37:1174(A)(4))

Pharmacists and Pharmacy Benefit Managers (Act 161)

New law authorizes any pharmacy or pharmacist who has a contract with a pharmacy benefit manager (PBM) administering any type of drug or pharmacy benefit plan to decline to provide a covered drug, device, or service if the pharmacy or pharmacist will be or is paid less than the

acquisition cost for the covered drug, device, or service.

New law provides that if the pharmacy or pharmacist declines to provide a drug, device, or service as authorized in new law, then the pharmacy or pharmacist shall provide the customer with adequate information as to where the prescription for the drug, device, or service may be filled.

New law prohibits a PBM from canceling a contract with the pharmacy or pharmacist, suing for breach of contract, using the decision to decline as a cause for not renewing the contract, or retaliating against or penalizing the pharmacy or pharmacist in any way.

New law provides that the commission of any act prohibited by new law shall be considered an unfair method of competition and unfair practice or act which shall subject the violator to any and all actions provided for in present law known as the Unfair Trade Practices and Consumer Protection Law.

New law provides that any provision of a contract that is contrary to new law shall be null, void, and unenforceable.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1860.3; Adds R.S. 37:1219(D)-(F))

Medical Board and Background Checks (Act 265)

Present law authorizes the Louisiana State Board of Medical Examiners (LSBME) to regulate perfusionists, medical psychologists, genetic counselors, and polysomnographic health professionals.

New law authorizes the LSBME to request and obtain state and national criminal history record information as a requirement of application for license, registration, certificate, or permit to practice in this state.

New law provides that the LSBME shall request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice.

New law provides that the LSBME, in addition to any other requirements established by regulation, shall require an applicant, as a condition of licensure to (1) submit a full set of fingerprints, in a form and manner prescribed by the board, (2) permit the board to request and obtain state and national criminal history record information on the applicant, and (3) pay, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

New law provides for confidentiality of criminal history information obtained by LSBME and provides for the release of such information upon written consent of the applicant or by court order.

New law provides for an exception to the Public Records Law.

Effective August 1, 2019.

(Amends R.S. 44:4.1(B)(23); adds R.S. 37:1338.1, 1360.53.1, 1360.104.1, and 2863.1)

Physician Assistants (Act 276)

Old law provided that a physician assistant shall hold an active unrestricted license issued by the Louisiana State Board of Medical Examiners (LSBME). New law provides that the license must be current.

Present law provides that occupational therapy may be ordered or referred by certain licensed healthcare providers. New law adds physician assistants to the providers who may order or refer occupational therapy for a patient.

Effective August 1, 2019.

(Amends R.S. 37:1360.31 and 3003)

Louisiana Real Estate Commission (Act 110)

New law requires that courses specified by new law be approved by the La. Real Estate Commission (commission) in order to be utilized for continuing education credit for licensees.

New law requires a vendor of a continuing education program to submit the date, location, and time the course will be offered when applying for approval to conduct the program or approval for renewal of the ability to conduct the program, at least 45 days before the program is held. If the date, location, or time is not known at the time of submission for approval, the vendor is required to submit the missing information at least 10 days before the program is conducted.

New law requires that for exempt courses offered at a conference, meeting, or forum by a trade association or its affiliate, the vendor shall submit either the course content or a brief summary of the course content.

New law requires the vendor to submit the name and credentials of the instructor.

New law requires the executive director of the commission to notify the vendor whether the course has been approved or not approved within seven days of the vendor's submission for approval.

New law provides that if the course was denied approval by the executive director, the issue shall be placed on the agenda of the next meeting to be voted upon by the commission.

New law provides that when a course is approved by the commission, it is valid for a period of three years. After three years, the course is no longer valid if the vendor fails to obtain renewed approval.

New law provides that vendors who have been licensed to provide continuing education courses shall be exempt from the approval process when seeking to conduct a course offered to obtain any

certificate or designation awarded by the National Association of REALTORS.

New law provides an exemption for any live courses offered once a year in any one location in conjunction with a conference, meeting, or forum if the event is held or sponsored by a state or local real estate association or any affiliate institute, society, or council.

New law provides that once a course is approved, the instructor shall not be subject to an additional approval process. New law provides that if the instructor changes for a course, the vendor shall submit the name and credentials of the new instructor at least seven days before the course.

New law provides that when a vendor is seeking approval or approval for renewal, the commission or any outside contractor is prohibited from asking the vendor or instructor to provide more specific course information such as an instructor guide, a narrative, outline, time allotment, detailed learning objectives, or any instructional methods or aids.

New law allows any state department, office, board, or commission to offer a course for continuing education without being licensed as a real estate education vendor.

New law requires any state department, office, board, or commission which seeks to offer a continuing education course to submit the course for approval and provides an exemption from certain course and instructor approval requirements in the Louisiana Administrative Code or prescribed by the commission.

(Adds R.S. 37:1461.1)

Secondhand Dealers in Metals (Act 255)

Present law requires that payment for copper or aluminum-copper air conditioning coils from a secondhand dealer be made by check payable to the seller, and requires that the check be mailed to the address on the seller's photo identification no earlier than five business days after the transaction. New law retains present law.

Old law prohibited a secondhand dealer from entering into any cash transactions in payment for the purchase of any precious metal object. New law repeals old law.

Old law required payment for a precious metal object to be made in the form of a check made payable to the seller of the metal. New law repeals old law.

Present law prohibits a secondhand dealer from entering into any cash transactions, in excess of \$300 in payment for the purchase of metal property other than copper, aluminum-copper air conditioning coils, or a precious metal object. New law retains present law.

Present law requires payments in excess of \$300 for metals other than copper, aluminum-copper air conditioning coils, or a precious metal object to be made in the form of a check made payable to the name and address of the seller and allows the payment to be made to the seller at the time of the transaction. New law retains present law.

(Amends R.S. 37:1864.3(A))

Contractors (Act 371)

Present law defines "commercial purpose" as any construction job except residential homes and attached homes with four or less units. New law retains this portion of the definition in present law. Prior law further provided that a project that includes more than two residential homes in a subdivision shall be deemed a commercial undertaking. New law deletes prior law.

Prior law defined "residential building contractor" to mean any corporation, partnership, or individual who constructs a fixed building or structure for sale or use by another, or who is paid to take on the construction or superintending of the construction of any building or structure, not more than three floors in height, to be used by another as a residence and which exceeds the cost of \$75,000.

New law changes the definition by also requiring that the structure has no more than four incorporated or attached dwelling units.

New law creates a definition for "cost of project" and defines the term to mean the value of all labor, materials, subcontractors, overhead, and supervision.

Present law requires that a time period of sixty days must elapse after an out-of-state contractor applies for a license before the license is issued. New law allows the board to waive the sixty-day time period.

Present law requires each applicant to furnish a financial statement to the board that has been prepared by an independent auditor. New law deletes the requirement that an auditor prepare the records, instead allowing that an accountant, bookkeeper, or certified public accountant may prepare them. New law requires that the applicant sign the financial statement before a notary public to attest to its correctness.

Present law requires every applicant for licensure to designate a qualifying party as his legal representative. Old law required the qualifying party to complete an application. New law requires the qualifying party to pass an examination.

Present law sets out a list of qualifying parties including: any individual contractor or copartner, an employee of an applicant, or any stockholder of a corporation where the applicant was an original incorporator or original stockholder. New law deletes individual contractor or copartner and adds sole proprietor or spouse of a sole proprietor, any partner of a partnership, and any member or manager of an LLC.

New law deletes the requirement that the board prepare and maintain a list of local examinations.

Present law requires the board to waive examination and grant a mechanical contractor or an electrical contractor license in certain circumstances. New law deletes the waiver requirement.

New law allows the board to consolidate subclassifications or specialties by rule.

New law deletes the option of obtaining a license in a specialty classification under a listed subclassification or in unlisted specialty work.

Present law allows the board to revoke or suspend a license for a number of reasons. New law further allows the board to revoke the license of a party who fails to timely notify the board of any change of company name, address, or other contact information.

Present law allows a licensee to apply for additions or changes to his classification by applying, passing an examination, and paying the required fees. Present law specifies that the board will approve any changes at its next scheduled meeting. New law deletes the requirement that the changes be approved at the next meeting.

Prior law provided that nothing in present law prohibits the issuance of plans and specifications to recognized plan rooms or material suppliers when the plans and specifications will only be used to prepare proposals to be incorporated in the bid in connection with federal aid. New law deletes prior law.

Prior law required an applicant for a license to perform mold remediation to present evidence that he has completed at least 24 hours of training in mold remediation and basic mold assessment and four hours of instruction in Louisiana's "Unfair Trade Practices and Consumer Protection Law". New law removes the requirement of four hours of instruction in such law.

(Amends R.S. 37:2150.1, 2151, 2152, 2154, 2155, 2156, 2156.1, 2156.2, 2157, 2158, 2159, 2162, 2163, 2167, and 2186)

Louisiana Physical Therapy Board (Act 313)

New law adds to the powers of the board by authorizing the board to determine and collect, at the time of new licensure or licensure renewal, a core set of data deemed necessary for workforce planning.

New law provides that the data elements shall be used to create and maintain a healthcare workforce database.

New law authorizes the board to enter into agreements with private or public entities to establish and maintain the database.

(Adds R.S. 37:2405(B)(15))

Hearing Aid Dealers' Continuing Education (Act 79)

Present law provides that a maximum of three continuing education hours for hearing aid dealers may be taken online or by correspondence courses.

New law changes the maximum number of hours from three to seven.

Effective August 1, 2019.

(Amends R.S. 37:2446.1(A))

Caddo Parish Juvenile Court Reporters (Act 270)

Present law provides that any person employed on or before December 31, 2011, as an official court reporter or deputy official court reporter by a court that uses electronic or audio recording equipment shall be certified as long as he remains employed by that court in such capacity, with certain exceptions.

New law retains present law and, relative to the Juvenile Court for Caddo Parish, provides that any person employed on or before August 1, 2019, as an official court reporter or deputy official court reporter by a court of record that uses electronic or audio recording equipment shall be certified as long as he remains employed by that court in such capacity.

Effective August 1, 2019.

(Adds R.S. 37:2554(B)(3))

Licensing and Student Loan Defaults (Act 227)

Old law provided that a certifying licensing agency or board shall deny an application for, or an application for renewal of, any license, permit,

or certificate for defaulting on certain student loans guaranteed by the special commission.

Old law provided that an applicant who has defaulted on certain student loans may have their license denied or issued conditionally upon complying with the repayment requirement of the loan.

Old law provided that the licensing agency or board has the authority to make determinations on the applicant's license based on recommendations by the special commission.

Old law required the licensing agency or board to notify the special commission of their recommendation in denying or issuing a conditional license to an applicant.

New law repeals old law.

(Repeals R.S. 37:2951)

Real Estate Appraisals and Federal Financial Institutions (ACT 37)

Present law provides definitions relative to the Louisiana Real Estate Appraisers Law. New law adds a definition for "federal financial institutions regulatory agency".

New law provides that nothing prohibits a licensed real estate appraiser from performing an evaluation of property for a federally insured depository institution if the appraisal is conducted pursuant to applicable law, regulations, the guidelines for evaluations established by the federal financial institutions regulatory agency of the depository institution, or a mortgage service approved to service any federally related mortgage loans.

(Amends R.S. 37:3410(A); Adds R.S. 37:3392(14))

Real Estate Appraisals by Financial Institutions (ACT 186)

Present law provides for the regulation of real estate appraisers in the state.

Present law exempts from regulation, a director, officer, or salaried employee of commercial banks, savings banks, credit unions, and savings and loan associations, when engaged in appraisal or evaluation activities for and on behalf of such financial institutions, unless there is a fee charged for the appraisal or evaluation, and provided that a federal statute, rule, or regulation does not require such appraisal or evaluation activities to be performed by a state licensed real estate appraiser.

New law provides that the present law exemption will extend to a director, officer, or salaried employee of a commercial bank, savings bank, credit union, and savings and loan association, when engaged in evaluation activities for and on behalf of such financial institution.

Effective August 1, 2019.

(Amends R.S. 37:3393(H)(3))

Appraisal Management Company Licenses (ACT 252)

Present law imposes an expiration date on certain application procedures relative to applicants for licenses or licensees applying for a renewal of their appraisal management company licenses.

New law changes the sunset date from Dec. 31, 2019, to Dec. 31, 2022.

(Amends R.S. 37:3415.10(D))

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Floodplain Evaluation and Management Commission (ACT 246)

New law adds a member from the Association of Levee Boards of Louisiana to the commission.

(Amends R.S. 38:90.2(A))

Lakefront Management Authority (ACT 151)

Present law mandates that any facility or improvement within a levee district within the

territorial jurisdiction of an authority, which facility or improvement is not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, that is owned or operated by a board of commissioners of the levee district, including all land, rights-of-way, servitudes, and improvements situated thereon, or connected therewith, for such purpose, be managed and controlled by the Non-Flood Protection Asset Management Authority.

New law renames the Non-Flood Protection Asset Management Authority as the Lakefront Management Authority.

Old law required the state through the division of administration to continue the routine maintenance of all such non-flood properties or facilities until the authority receives responsibility for such maintenance. New law removes old law.

(Amends R.S. 38:330.12 and 330.12.1)

Livingston Parish Drainage District No. 5 (ACT 84)

New law requires the governing authority of Livingston Parish to increase the number of board commissioners from five to seven for Gravity Drainage District No. 5.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:1759(B))

Gravity Drainage Districts and Pumps (ACT 269)

New law provides that any gravity drainage district or sub-drainage district that requires leveeing and pumping to carry out drainage work has the power and authority to enter into contracts for the maintenance and repair of pumps, without necessity of advertising for bids, relative to the operation and maintenance of pumping stations.

Effective August 1, 2019.

(Amends R.S. 38:1764)

Calcasieu Parish Drainage Districts (ACT 23)

New law authorizes the governing authority of Calcasieu Parish to increase the number of board commissioners from five to seven for their consolidated gravity drainage districts.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 38:1843(C))

Cost Plus Time Bidding under Public Bid Law (ACT 261)

New law creates a pilot program to authorize local governmental subdivisions and political subdivisions to use A+B bidding method to determine the lowest responsive bidder on a contract for public works.

The pilot is limited to 15 projects subject to prior approval of the House and Senate committees on transportation, highways, and public works. If the committees approve a project, the owner is required to submit in writing to the chairmen of committees, the name and address of the lowest responsive bidder awarded the contract, together with the bid values of the A+B components.

Upon completion and acceptance of the project, the owner is required to submit in writing to the chairmen of the committees a project report that includes the final project cost and an evaluation of whether or not contract times were reduced, costs were acceptable, and quality was maintained by use of the A+B bid method.

New law defines "A+B bidding" to mean cost plus time bidding that factors time plus cost to determine the low bid. Under the A+B method, each submitted bid has two components where "A" is the traditional bid for the contract items and is the dollar amount for all work to be performed under the contract, and "B" is a "bid" of the total number of calendar days required to complete the project, as estimated by the bidder. Bid days are multiplied by a user cost, furnished by the project owner, and added to the "A"

component to obtain the total bid. The award to the lowest responsive bidder is based on a combination of the bid for the contract items and the associated cost of time.

New law defines "owner" to mean a "local governmental subdivision" or a "political subdivision" as defined in La. Const. Art. VI, Sec. 44(1) and (2).

New law provides that bidding documents may contain alternates, which allow for different materials or methods of construction, provided that any such alternate materials are currently approved by the local governmental subdivision or political subdivision.

New law supersedes any conflicting provisions of any law, including but not limited to the requirements of the Public Bid Law, but the provisions of the Public Bid Law are otherwise applicable to such contracts.

Effective August 1, 2019.

(Adds R.S. 38:2211.2)

Public Bid Law Exception for St. Charles Parish (ACT 201)

Present law provides that all public work exceeding the "contract limit," including labor and materials, to be done by a public entity shall be advertised and let by contract to the lowest responsible and responsive bidder.

Prior law provided, with certain exceptions, that the term "contract limit" shall be equal to the sum of \$150,000 per project, adjusted annually since 2015 for inflation.

New law provides an exception to the "contract limit" definition for public work related to drainage projects to be done by regular maintenance employees of the St. Charles Parish governing authority, for which the term "contract limit" shall be equal to the sum of \$250,000 per project.

New law sunsets "contract limit" exception for St. Charles Parish on December 31, 2020.

Effective August 1, 2019.

(Amends R.S. 38:2212)

Capital Area Groundwater Conservation District (ACT 200)

Prior law established the Capital Area Groundwater Conservation District (district) composed of the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. New law adds Ascension Parish to the district.

Prior law provided for 17 members on the board of commissioners for the district. New law removes the requirement for 17 members to be on the board of commissioners.

Effective August 1, 2019.

(Amends R.S. 38:3071(B), 3072(A), 3074(A)(intro para))

TITLE 39: PUBLIC FINANCE

Electronic Credentials (ACT 220)

New law provides for authorization for the digitization of any credential authorized or required by the state.

New law provides that a digitized credential as provided in present law is as valid as a tangible credential.

New law provides that a screen shot or copy of a credential is not a valid credential for purposes of present law. New law requires the credential to be viewed through the application in the electronic wallet.

New law provides that permission to view a digitized credential does not qualify as permission to search the mobile device or otherwise access additional data.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:17.1-17.4)

Deepwater Horizon Litigation Proceeds (ACT 443)

New law dedicates the economic proceeds from the Deepwater Horizon litigation almost entirely to various transportation projects and no longer in significant part to the Trust Fund for the Elderly.

Present law establishes the economic damages from the Deepwater Horizon litigation to be a source of funding for the Medicaid Trust Fund for the Elderly. New law repeals present law.

(Amends R.S. 39:91; Repeals R.S. 46:2691(A)(1)(b))

Calcasieu Parish Bridge Fund (ACT 176)

New law creates the Calcasieu Parish Bridge Fund as a special fund in the state treasury.

New law provides that after allocation of money to the Bond Security and Redemption Fund as provided in the Louisiana Constitution, the treasurer shall deposit in and credit to the Bridge Fund, the proceeds received by the state from the settlement, judgment, or final disposition of any litigation filed by the state or DOTD claiming damages for actual or alleged subsurface contamination within two miles of the Interstate 10 Calcasieu River Bridge for incidents occurring prior to August 1, 2019, and alleged to require remediation.

New law provides that, subject to legislative appropriation, monies in the fund shall be used solely for the planning and construction of a new I-10 Calcasieu River Bridge in Lake Charles.

New law provides the dedications of recovered funds in the Calcasieu River Bridge Fund shall not be admissible in any trial or litigation filed by the state or DOTD claiming damages for actual or alleged subsurface contamination within two miles of the Interstate 10 Calcasieu River Bridge for incidents occurring prior to August 1, 2019, and alleged to require remediation.

Effective upon signature of the governor (June 11, 2019).

(Adds R.S. 39:100.35)

State Land Office Reforestation Fund (ACT 279)

New law creates in the state treasury, as a special fund, the State Land Office Reforestation Fund.

New law provides that, subject to appropriation by the legislature, monies in the fund be used solely for purposes, including (1) funding reforestation of state properties, and (2) preparing state-owned timber sites for cultivation.

New law provides that the Fund consist of any monies appropriated, allocated, or transferred to the Fund, including 25% of the proceeds from the sale of timber pursuant to present law, and 25% of the proceeds from the sale of timber pursuant to a timber management program under present law.

New law provides that at the end of each fiscal year, the state treasurer is authorized and directed to transfer into the state general fund any monies exceeding \$500,000.

New law requires the register of the state land office to submit as part of the annual report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources required by present law, a descriptive list by parish of the revenues, expenditures, and projects associated with the provisions of new law.

Effective August 1, 2019.

(Adds R.S. 39:100.151)

Jefferson Davis Parish School District (ACT 56)

New law authorizes the governing authority of Consolidated School District No. 1 of Jefferson Davis Parish to levy and collect a parcel fee within district boundaries not to exceed \$200 per parcel per year. New law further provides for an election to be held within the district and approved by a majority of the voters in the district.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 39:816.1)

Security for Deposits of Public Funds (ACT 99)

Present law requires a bank to provide security for deposits made to the bank by a political subdivision of the state, and specifies various acceptable forms of security.

New law authorizes the following additional forms of security for such deposits:

- (1) Any obligation, security, or investment that a local government may invest in directly.
- (2) Letters of credit issued by the Federal Home Loan Bank.
- (3) Any recognized system or program providing Federal Depositors Insurance Corporation insurance coverage.

(Amends R.S. 39:1221 and 1242)

Budget Process for Lawrason Act Cities (ACT 96)

Present law establishes a process for local governments to use in the preparation and adoption of an annual budget, in which the chief executive or administrative officer of the local government must prepare a proposed budget and submit it to the governing authority, and the governing authority may amend the proposed budget and associated budget instrument unless otherwise provided by an ordinance or home rule charter.

New law provides that present law does not apply to municipalities governed by the mayor-board of aldermen form of government (the Lawrason Act).

New law specifies that municipalities governed by the Lawrason Act may amend the proposed budget and associated budget instrument only to

the extent the amendments do not substantially change the documents.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:1305(F))

Private Procurement Units (ACT 101)

Present law defines "private procurement unit" for purposes of the La. Procurement Code as any regionally accredited independent college or university in La. that is a member of the La. Association of Independent Colleges and Universities or yearly childhood learning center.

New law provides a technical correction to the statutory reference for early learning centers within the definition of "private procurement unit."

(Amends R.S. 39:1556(39))

Protection of Israel (ACT 155)

Present law provides for the methods and requirements of procurement that a state entity must use for contracts and purchases under the Procurement Code.

New law authorizes a public entity to reject the lowest bid from a vendor who engages in a boycott, divestment, or sanctions campaign against Israel.

New law authorizes a public entity to terminate a contract with a vendor who engages in a boycott, divestment, or sanctions campaign against Israel during the duration of the contract.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:1602.1)

TITLE 40: PUBLIC HEALTH AND SAFETY

Imported Crawfish and Shrimp (ACT 372)

New law declares that La. consumers have the right to know if crawfish or shrimp imported from a foreign country is being served in a food service establishment, as the consumption of such seafood may pose a health risk.

New law requires all food service establishments that use a menu as a standard business practice and sell or provide cooked or prepared crawfish or shrimp that originate outside of the U.S. to display on all menus the country of origin of such crawfish or shrimp in letters no smaller than one-half inch in size, in English, immediately adjacent to the menu listing of the seafood item being sold. New law provides that in lieu of this requirement, the notice may be paper-clipped to the menu, or be explained orally to patrons by food service establishment staff.

New law requires all food service establishments that do not use a menu as a standard business practice and sell or provide cooked or prepared crawfish or shrimp that originate outside of the U.S. to display on a sign posted at the main entrance to the establishment that certain crawfish or shrimp, as applicable, being served within originate from a foreign country. New law stipulates that each sign shall be at least 18 inches tall, 18 inches wide, written in English in letters not less than two inches in size, and placed in an open area and in a conspicuous position not less than 36 inches from the floor so that it is visible to all patrons. New law provides that in lieu of this requirement, the notice may be explained orally to patrons by food service establishment staff.

New law provides that any violation of new law shall constitute a violation of the state sanitary code.

New law provides that for purposes of new law, "food service establishment" means an establishment that prepares food for human consumption, either for individual service or for a group of people, whether consumption is on or off the premises and regardless of whether there is a charge for the food; but shall not include any of the following: private homes where food is prepared or served for individual family consumption, private clubs where food is

prepared and served exclusively for member consumption, religious or charitable food sales, any establishment that heats or prepares boudin or sausage for personal consumption, a bar or lounge that serves beverages only, temporary and seasonal establishments, bed and breakfast operations, nursing facilities, or public, private, or parochial schools.

(Adds R.S. 40:5.5.4)

Hainkel Home and Rehabilitation Center (ACT 257)

Present law authorizes the secretary of the La. Department of Health (LDH) and the commissioner of administration to execute a negotiated lease to the New Orleans Home for the Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center.

New law revises present law to provide that the chancellor of the Louisiana State University Health Sciences Center at New Orleans shall negotiate the lease for the John J. Hainkel, Jr., Home and Rehabilitation Center, and that the lease shall be with LCMC Health.

New law repeals present law providing for special Medicaid rates and employment priority.

(Amends R.S. 40:16.3)

Public Land Transfers (ACT 272)

New law provides for the transfers of various public lands.

New law creates the Louisiana Department of Health's Facility Support Fund Number 2 and provides for the transfer, use, and investment of monies in the fund, and their use for the planning, design, permits, improvements, repairs, equipment, restoration, renovation, or construction of the Central Louisiana State Hospital.

Effective August 1, 2019.

(Adds R.S. 40:16.4)

Immunization Registry (ACT 192)

Prior law provided for an immunization registry for children and young adults. New law statutorily names the immunization registry the Louisiana Immunization Network (LINKS) and makes it applicable to children and adults.

Prior law applied to day care centers. New law updates terminology to comply with the statutory creation of early learning centers in prior law.

Prior law provided that in the event of a public health emergency as declared by the state health officer, including a natural disaster, bioterrorist attack, epidemic, or other event affecting the public health, the requirement to obtain consent for placement on a registry shall be waived for mass immunizations performed in response to such declaration. New law repeals prior law.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 40:31.11, 31.12, 31.13, 31.13, 31.14, and 31.16)

Stillbirth Certificates (ACT 100)

Present law defines "spontaneous fetal death" and "stillbirth" as the expulsion or extraction of a product of human conception resulting in other than a live birth and when the expulsion or extraction is not the result of an induced termination of pregnancy, without reference to gestational age or weight of the fetus.

Present law requires the state registrar of vital records to establish a certificate of stillbirth on an approved form for each spontaneous fetal death which occurs in this state after 20 complete weeks of gestation or more or a weight of 350 grams or more. New law authorizes issuance of this form for other instances of spontaneous fetal death when requested by a parent of a stillborn child.

(Amends R.S. 40:32(16) and 92(A))

Suspected Opioid-Related Overdoses (ACT 423)

New law adds a requirement that the sanitary code provide for reporting by emergency departments of chief complaints, admit reasons, and discharge diagnosis data relating to suspected opioid-related overdoses.

Present law requires that each coroner or physician who signs a death certificate certify the certificate using the La. Electronic Event Registration System.

New law adds a requirement that each coroner report drug overdose deaths where the decedent's toxicology results indicate that an opioid was present at the time of death. New law requires that such reports be entered into the La. Electronic Event Registration System.

New law authorizes first responders to provide reports or documents to the LDH office of public health where an encountered individual was experiencing an opioid-related drug overdose and whether naloxone was administered. New law provides that such reports and documents are confidential and exempt from the requirements of present law relative to public records, R.S. 44:1 et seq.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:34(C) and R.S. 44:4.1(B)(26); Adds R.S. 40:4(A)(14) and 978.2.1)

Housing Authority of New Orleans (ACT 137)

Old law provided that the Housing Authority of New Orleans shall consist of eight commissioners appointed by the mayor. Present law requires that at least two commissioners be tenants of the housing authority who are chosen from a list of three names submitted by the Citywide Tenants Council, Inc., and who are referred to as "tenant commissioners", and provides for the appointment of one commissioner as a "landlord commissioner" from a list of three nominees submitted by the Landlords Advisory Committee.

New law increases the number of commissioners from eight to nine and requires that at least one of the tenant commissioners be a participant in the HousingChoice Voucher Program.

Old law provided that if the mayor fails to make an appointment within 60 days of receipt of the nominations, the city council of New Orleans shall make the appointments from the list of names submitted to the mayor within 30 days. New law repeals old law.

(Amends R.S. 40:531)

Milk (ACT 184)

New law requires the La. Department of Health to enforce the U.S. FDA's standard of identity for milk, the Pasteurized Milk Ordinance, and the provisions of new law to prohibit the sale of plant-based products mislabeled as milk.

New law provides a definition of "milk".

New law exempts breast milk from provisions of new law.

New law shall be enforced when the U.S. FDA begins to enforce the standards of identity for milk.

Effective August 1, 2019.

(Adds R.S. 40:881)

Marijuana and Industrial Hemp (ACT 354)

Existing law provides for a definition of "marijuana" which means all parts of plants of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

Existing law provides that the term "marijuana" does not include the mature stalks of plants of the genus *Cannabis*, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks

(except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the U.S. Food and Drug Administration.

New law adds industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the La. Dept. of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, as an exception to the existing law definition of "marijuana".

New law defines "industrial hemp" as the plant *Cannabis sativa* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis and cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the La. Dept. of Agriculture and Forestry that is in compliance with the U.S. Dept. of Agriculture rules.

Existing law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

New law adds Methoxyacetylfentanyl, Para-fluorobutyrylfentanyl, Tetrahydrofuranylfentanyl, U-49900, U-51754, U-48800, and Deschloro-N-ethyl-ketamine to Schedule I.

Existing law provides that no person shall knowingly or intentionally:

- (1) Produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled dangerous substance analogue classified in Schedule I.

- (2) Create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.

New law adds that no person shall knowingly or intentionally cultivate, possess, process, or sell industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the La. Dept. of Agriculture and Forestry that is in compliance with the U.S. Dept. of Agriculture rules.

Effective August 1, 2019.

(Amends R.S. 40:961 and 964; Adds R.S. 40:966(A)(3))

Uniform Controlled Dangerous Substances Law (ACT 231)

New law adds two substances (including mitragynine) to the Uniform Controlled Dangerous Substances Law. The schedule to which the substances will be added is dependent upon the classification of the substances as a controlled dangerous substance by the Drug Enforcement Administration of the U.S.

Present law provides for the crime of unlawful distribution of products containing Mitragyna speciosa to a minor. New law repeals this provision of present law.

(Adds R.S. 40:964(Schedule I)(G), (Schedule II)(G), (Schedule III)(H), (Schedule IV)(F) and (Schedule V)(G); Repeals R.S. 40:989.3)

Pharmacy Board and Dangerous Drug Licenses (ACT 219)

New law provides for the following definitions:

- (1) "Applicant" means an individual who has applied to the board for the issuance or reinstatement of any controlled dangerous substance license that the board is authorized by law to issue.

- (2) "Bureau" means the La. Bureau of Criminal Identification and Information.

- (3) "Licensure" means any controlled dangerous substance license that the board is authorized to issue.

New law authorizes the La. Bd. of Pharmacy (Board) to require an applicant who is not in possession of a valid and verifiable license or other credential from a standing professional board of the state or from the La. Dept. of Health, bureau of health services financing, health standards, or their successors, to do the following as a condition for eligibility for licensure:

- (1) Submit fingerprints and other identifying information to the Board.
- (2) Permit the Board to request and obtain state and national criminal history record information on the applicant.

New law provides that the costs of providing the criminal history record information shall be charged by the Bureau, as specified in present law. New law authorizes the Board to impose any or all of such fees or costs on the applicant.

New law requires the Bureau, upon request by the Board, to conduct a search of its criminal history record information relative to the applicant and report the results of its search to the Board within 60 days from receipt of such request.

New law provides that if the criminal history record information reported by the Bureau does not provide grounds for disqualification, the Board is required to forward the applicant's fingerprints and other identifying information to the FBI for a search of national criminal history record information.

New law provides that any information obtained by the Board from the Bureau or the FBI which is not already a matter of public record shall not be public record and shall be confidential, restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility for licensure.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:973.1)

Opioid Drug Prescription and Dispensing (ACT 426)

Present law provides, with certain exceptions, that when issuing a first-time opioid prescription for outpatient use to a patient with an acute condition, a medical practitioner shall not issue a prescription for more than a seven-day supply of the opioid drug.

Present law authorizes a medical practitioner to prescribe more than a seven-day supply of an opioid drug if, in his professional medical judgment, more than a seven-day supply is necessary to treat the patient's condition.

Present law requires that the condition necessitating more than a seven-day supply be documented in the patient's medical record, and that the practitioner indicate that a nonopioid alternative was not appropriate to address the patient's condition.

New law adds a requirement that any practitioner who writes a prescription for more than a seven-day supply of an opioid shall clearly indicate on the prescription order that the prescription is not subject to the seven-day limit on the supply of the opioid.

New law provides that if a pharmacist fails to dispense the prescribed amount of an opioid drug, he shall notify the prescriber by telephone, facsimile transmission, or electronic mail as soon as is practicable, but in no case more than 72 hours after dispensing or failing to dispense the prescription.

New law provides that if the pharmacist is unable to notify the prescriber directly, he may notify the medical office at which the prescriber practices, and this notification shall be deemed to satisfy the requirements of new law.

Present law authorizes a pharmacist filling a prescription for an opioid to dispense the drug in an amount less than the recommended full

quantity indicated on the prescription if requested by the patient.

New law retains present law and stipulates that if the patient does not request that his prescription for an opioid be dispensed in an amount less than the recommended full quantity indicated on the prescription, then the pharmacist shall dispense to the patient the full quantity indicated on the prescription. New law provides that failure by a pharmacist to comply with this requirement may subject the pharmacist to disciplinary action by the La. Board of Pharmacy.

New law requires that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation, he shall notify the prescriber by telephone, facsimile transmission, or electronic mail as soon as is practicable, but in no case more than 72 hours after dispensing or failing to dispense the prescription.

New law provides that if the pharmacist is unable to notify the prescriber directly, he may notify the medical office at which the prescriber practices, and this notification shall be deemed to satisfy the requirements of new law.

(Amends R.S. 40:978)

Pharmacy Board Prescription Monitoring Information (ACT 80)

Present law authorizes the Board of Pharmacy to provide prescription monitoring information to prescription monitoring programs in other states.

New law adds authority for the board to provide prescription monitoring information to electronic health information systems and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions.

New law makes technical corrections and clarifies that prescription monitoring information provided pursuant to present law may only be used in a manner consistent with present law.

Effective August 1, 2019.

(Amends R.S. 40:1007(G))

Medical Marijuana Data Collection (ACT 207)

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners (the "board") to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

New law requires that La.-licensed physicians report adverse events and health outcomes associated with a patient's use of medical marijuana to the data system provided for in new law. New law defines "adverse event" as any incident relating to the use of a drug prescribed or recommended to a patient that may result in serious harm or injury to the patient or in the patient's death.

New law provides that its purpose is to promote the practice of evidence-based medicine in La. through the creation of a system which facilitates the collection and analysis of information on health effects, events, and outcomes associated with the use of medical marijuana by patients in this state.

New law authorizes the board to create and maintain an electronic system for the collection and analysis of clinical information associated with the use of medical marijuana by patients.

New law requires that the system include, at minimum, the following components:

- (1) A component for the collection of data concerning adverse events experienced by patients which are associated with the use of medical marijuana.
- (2) A component for the collection of data concerning health outcomes other than adverse events experienced by patients that are associated with the use of medical marijuana, where reporting of health outcomes is limited to physicians exclusively.

New law requires the board to collaborate with various institutions in designing and implementing the data system.

New law requires the board to maintain the data system in a secure environment which complies, at minimum, with all applicable federal laws and regulations providing for the protection of health information.

New law provides that the board may authorize and facilitate access to data in the system to an outside party only if that party seeks the data for use in a bona fide medical research effort which has been authorized by the institutional review board of the organization conducting the research.

New law stipulates that the board shall have exclusive authority to determine whether an activity qualifies as a bona fide medical research effort in accordance with new law, and that any disclosure of data in the system shall be subject to the approval of the board.

New law provides that except for any disclosure of data specifically authorized by new law, all data in the data system shall be confidential and shall not be available for subpoena, nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding.

New law stipulates that the data maintained in the data system shall not be subject to any public records request, nor shall any such data be considered as a public record pursuant to present law relative to public records, R.S. 44:1 et seq.

New law authorizes the board to receive and expend all funds as may be necessary to implement and maintain the data system.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:1046(A)(6) and 1168.1-1168.6 and R.S. 40:1046(A)(6) of §2 of Act No. 96 of the 2016 R.S.)

Abortion and Fetal Heartbeats (ACT 31)

New law provides prior to any abortion being performed, there shall first be performed an ultrasound, in order to determine whether or not a fetal heartbeat is present, and the results of the ultrasound shall be included in the pregnant woman's medical records.

New law provides that it is unlawful for any person to knowingly perform an abortion with the specific intent of causing or abetting the termination of the life of an unborn human being when a fetal heartbeat has been detected.

New law provides that a person is not in violation of new law under either of the following circumstances, with detailed documentation requirements:

- (1) The person performs a medical procedure designed to or intended, in that person's reasonable medical judgment, to prevent the death of a pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.
- (2) The person has performed an examination for the presence of a fetal heartbeat in the unborn human individual using standard medical practice and that examination does not reveal a fetal heartbeat, or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat.

New law provides that for purposes of new law, "abortion" does not include an abortion performed when the pregnancy is diagnosed as "medically futile."

New law includes the following definitions:

- (1) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

- (2) "Unborn human being" means an individual living member of the species *Homo sapiens* throughout the entire embryonic and fetal stages, from fertilization through full gestation and birth.

- (3) "Medically futile" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. This diagnosis is to be a medical judgment certified in the pregnant woman's medical record by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

New law provides that whoever violates the provisions is to be prosecuted and fined up to \$1,000 per incidence or occurrence, or imprisoned for up to two years, or both.

New law provides that, in addition to any other grounds provided by law, it will be grounds for the nonissuance, suspension, revocation, or restriction of a license, or the denial of reinstatement or renewal of a license, issued by the Louisiana State Board of Medical Examiners, that the applicant or licensee has performed an abortion in violation of new law.

New law does not repeal any other provision of present law that restricts or regulates the performance of an abortion by a particular method or during a particular stage of a pregnancy.

New law provides that the new law is repealed in favor of the provisions of present law banning all elective abortions immediately upon and to the extent that either:

- (1) A decision of the U.S. Supreme Court upholds the authority of each of the several states of the United States or Louisiana to prohibit elective abortions.

- (2) An amendment to the U.S. Constitution is adopted that restores to each of the several states of the United States or to Louisiana the authority to prohibit elective abortions.

Effective upon a final decision of the U.S. Court of Appeals for the 5th Circuit upholding the Act that originated as Senate Bill 2116 of the 2019 Regular Session of the Mississippi Legislature, which decision would provide the authority for a state within the jurisdiction of that court to restrict abortion as provided in new law.

(Adds R.S. 40:1061.1.3)

Abortion Requirements (ACT 198)

Present law provides for the Woman's Right to Know law which requires that providers of abortions in Louisiana ensure that their patients have the necessary information, including specific legal rights and options, to make an informed decision before they undergo an abortion procedure.

Present law provides that no abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced.

Old law provided that, except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, the name of the physician who meets the requirements of R.S. 46:1061.10(a) and is licensed to practice medicine in the state and who will perform the abortion.

New law requires that the physician shall inform the woman, in writing, all of the following:

- (1) The name of the physician who will perform the abortion, which shall be listed in the written document in the same manner as the name appears on the membership roll of the La. State Board of Medical Examiners.

- (2) The location and specialty of the physician's residency and whether the residency has been completed.
- (3) Whether the physician is currently board certified and, if so, the name of the certifying organization.
- (4) Whether the physician has active admitting privileges at any hospital that provides obstetrical or gynecological healthcare services, and if so, the name of the hospital or hospitals.
- (5) Whether the physician has malpractice insurance that would cover the abortion procedure.
- (6) Whether in the last 10 years the physician has ever been placed on probation, reprimanded, or had his license suspended or revoked by any professional licensing organization, and if so, the jurisdiction in which the professional discipline was ordered.
- (7) The internet address for disciplinary records of the La. Board of Medical Examiners.

New law clarifies that, even though amendments are being added to the section of prior law which contains the number of hours for the waiting period required between the time of the pre-abortion counseling and the actual abortion, new law is not intended to be construed to affect the outcome of the court case which was filed in response to a change in the waiting period in 2016 from 24 hours (prior law) to 72 hours (prior law).

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 40:1061.17(B)(3))

Abortion Records (ACT 435)

New law provides that each physician who performs or induces an abortion, the medical director of the facility where an abortion is performed or induced, the administrator of an

abortion facility, each abortion facility, and each owner of an abortion facility shall have an independent duty to ensure that a designated custodian of records for the facility obtains, retains, and makes part of the medical record of each pregnant woman upon whom an abortion is performed or induced at least one copy of the abortion-related records enumerated in present law.

New law adds the following to the list of the abortion-related records enumerated in present law, which abortion facilities and providers are required to retain: Any report of child abuse required by present law, Ch.C. Art. 601 et seq., and any other report made to law enforcement in relation to the patient.

Present law requires physicians to retain the abortion-related records enumerated in present law, for not less than seven years. New law revises present law to provide that physicians and abortion facilities shall each have an independent duty to ensure that the custodian of records for the abortion facility where the abortion was performed or induced retains those records for not less than seven years for adult patients and not less than ten years from the age of majority for minor patients.

New law stipulates that the ten-year period for minors shall begin to run when the patient attains the age of 18; provided, however, that when the patient has reported facts that would require reporting of child abuse under present law, the retention period shall be 30 years.

New law provides that any person who intentionally or negligently fails to comply with the requirements of present law or new law relative to records retention shall be subject to the penalties provided for in present law and new law.

New law provides that any abortion facility that fails to comply with the requirements of present law or new law relative to records retention shall be subject to the penalties provided for in present law and new law.

New law provides that each medical record that does not include the documents identified in present law and new law, or which is not retained for the time specified in new law, shall constitute a separate incidence or occurrence for purposes of present law and new law providing penalties, and shall constitute a continuing violation until the relevant retention period specified in new law has expired.

New law provides that in addition to the remedies provided therein and any others available under present law, a person required by new law to retain the abortion-related documents enumerated in present law who, either intentionally or with negligence, fails to obtain, make part of a medical record, or retain any document in compliance with new law may be temporarily or permanently disqualified from performing or inducing an abortion, applying for a medical facility license, or otherwise operating or managing a medical facility in La.

New law requires each abortion facility, as a condition of obtaining and maintaining a state license, to establish a written record retention and archiving policy.

New law provides that a person may comply with new law by depositing copies of required documents with the La. Department of Health in an organized and readily accessible format, and that the department shall have a cause of action against a depositor for the reasonably anticipated cost of storing the documents for the required period of time.

New law provides that whoever violates present law and new law relative to regulation of abortion shall be subject to a civil fine of \$1,000 per incidence or occurrence.

New law provides that the attorney general shall have the authority to pursue the civil fines.

New law stipulates that failure to comply with present law and new law shall provide a basis for the attorney general, the district attorney in whose jurisdiction the violation occurred, or the secretary of the La. Department of Health to obtain a writ of injunction, which shall not be

subject to being released upon bond. New law provides that the trial of the proceeding shall be summary and by the judge without a jury.

(Amends R.S. 40:1061.19 and 1061.29)

Organ Transplants and Discrimination (ACT 57)

New law declares that La. residents in need of organ transplants shall be entitled to an assurance that they will not encounter discrimination on the basis of a disability.

New law provides that it shall be unlawful for a covered entity to take various actions solely on the basis of an individual having a disability.

New law defines "covered entity" to mean any of the following entities:

- (a) Any licensed provider of healthcare services, including licensed healthcare practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers.
- (b) Any entity responsible for matching anatomical gift donors to potential recipients.

New law provides that a covered entity may consider an individual's disability when making treatment or coverage recommendations or decisions, but only to the extent that the disability has been found by a physician or surgeon, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

New law stipulates that if an individual has the necessary support system to assist him in complying with post-transplant medical requirements, a covered entity may not consider the individual's inability to independently comply with post-transplant medical requirements to be medically significant.

New law requires each covered entity to make reasonable modifications to its policies, practices, or procedures to allow individuals with disabilities access to transplantation-related services unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such services.

New law requires that each covered entity shall take all such actions as are necessary to ensure that an individual with a disability is not denied medical services or other services related to organ transplantation due to the absence of auxiliary aids or services, except under either of the following conditions:

- (1) the entity demonstrates that taking the actions would fundamentally alter the nature of the medical services or other services related to organ transplantation, or
- (2) the entity demonstrates that taking the actions would result in an undue burden for the covered entity.

New law provides that nothing therein shall be deemed to require a covered entity to make a referral or recommendation for or to perform a medically inappropriate organ transplant.

New law provides that whenever an individual believes a covered entity has violated the prohibition against discrimination established in new law, the affected individual may commence a civil action for injunctive and other equitable relief against the covered entity for purposes of enforcing compliance with new law; the action may be brought in the district court for the parish where the affected individual resides or resided or was denied the organ transplant or referral.

New law requires that in actions brought pursuant to new law, courts shall give those actions priority on their dockets and expedited review. New law authorizes courts to grant injunctive or other equitable relief, including by any of the following means:

- (1) Requiring auxiliary aids or services to be made available for a qualified recipient.

- (2) Requiring the modification of a policy, practice, or procedure of a covered entity.
- (3) Requiring that facilities be made readily accessible to and usable by a qualified recipient.

New law stipulates that it is not intended to limit or replace available remedies under the Americans with Disabilities Act or any other applicable law, and that new law shall not be construed as creating a right to compensatory or punitive damages against a covered entity.

Present law provides relative to state-mandated health insurance benefits and nondiscrimination in health insurance coverage. New law adds thereto provisions prohibiting health insurance issuers that provide coverage for anatomical gifts, organ transplants, or related treatment and services from doing any of the following:

- (1) Deny coverage to a covered person solely on the basis of the person having a disability.
- (2) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the health benefit plan, solely for the purpose of avoiding the requirements of this Section.
- (3) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce such provider to furnish care to an insured or enrollee in a manner inconsistent with this Section.
- (4) Reduce or limit coverage benefits to a patient for the medical services or other services related to organ transplantation performed pursuant to this Section as determined in consultation with the attending physician and patient.

New law stipulates that in the case of a health benefit plan maintained pursuant to a collective bargaining agreement between employee representatives and one or more employers, any

plan amendment made solely to conform to a requirement of new law shall not be treated as a termination of the collective bargaining agreement.

New law provides that nothing therein shall be construed as requiring a health insurance issuer to provide coverage for a medically inappropriate organ transplant.

New law establishes the Anatomical Gift Act governing the donation, procurement, receipt, and uses of anatomical gifts in La.

New law adds an affirmation that potential anatomical gift recipients shall be entitled to the protections against discrimination based on disability provided in new law.

New law provides that it shall be known and may be cited as "Evie's Law".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:2353(M), R.S. 22:1023.1, and R.S. 40:1170.1-1170.4)

Background Checks and Clinical Preceptors (ACT 43)

Present law provides for criminal history background checks on nonlicensed persons employed by certain healthcare facilities, agencies, providers, or programs. New law further provides for criminal history background checks on nonlicensed persons enrolling in a clinical preceptor nurse aide training program offered by a community college, vocational-technical program, or other educational entity or another entity approved by the Louisiana Department of Health pursuant to federal or state law or regulation.

Present law provides authority for certain employers to request criminal history and national sex offender registry checks from the office of state police within the Department of Public Safety and Corrections or from an authorized agency authorized by state police to conduct a criminal history and national sex

offender registry check. New law further provides authority for educational institutions and training programs to use the office of state police or an authorized agency to request a criminal history and national sex offender registry check on clinical preceptor nurse aide applicants.

Present law provides that employers requesting a search of the office's criminal history files on an applicant for employment shall pay the fee the office is authorized by law to charge for a search of the office's criminal history files. New law adds that an educational institution or approved training program shall pay the same fee for a search on an applicant for the clinical preceptor nurse aide training program.

Effective August 1, 2019.

(Amends R.S. 40:1203.1 and R.S. 40:1203.2)

Free-Standing Birth Centers (ACT 332)

Present law provides for criminal history checks on nonlicensed and licensed persons and licensed ambulance personnel. New law adds free-standing birth centers to the list of enumerated employers.

Present law provides for the fees, licensing, and penalties of any legal entity currently operating or planning to operate any of the facilities listed within the present law. New law adds "freestanding birth centers" to present law.

New law defines "free standing birth center", "free-standing birth center services", "low-risk pregnancy", and "standards".

New law provides that free-standing birth centers shall be licensed by the Louisiana Department of Health (LDH) and that no such center shall be established, operated, or reimbursed under the Medicaid program unless licensed to provide such services as a free-standing birth center by LDH.

New law provides for specific requirements of licenses of free-standing birth centers, such as: specific geographic location, the term and

expiration date, the form of such license, and the location of posting such license.

New law provides for the process an applicant must follow to apply to be licensed as a freestanding birth center by LDH.

New law provides for the penalties of any entity operating as a free-standing birth center without a license from LDH.

New law provides that any licensed free-standing birth center is subject to inspection of records and reports by LDH.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1203.1 and 2006, Adds R.S. 40:2180.21-2180.28)

Ambulance Personnel (ACT 393)

Present law prohibits employers from hiring licensed ambulance personnel or nonlicensed persons when they have been convicted of certain criminal offenses enumerated within present law.

New law adds the crime of identity theft to the list of offenses that would prohibit employment as a licensed ambulance personnel or nonlicensed person.

New law adds the crime of abuse of persons with infirmities through electronic means to the list of offenses that would prohibit employment as a licensed ambulance personnel or nonlicensed person.

(Amends R.S. 40:1203.3(A)(1))

Medicaid Reimbursement Rates for Services to People with Disabilities (ACT 381)

New law requires the La. Department of Health (LDH) to maintain reliable data in a form that permits ongoing monitoring of trending factors that may affect the sufficiency of reimbursement rates paid to providers of Medicaid-funded services for people with disabilities.

New law allows LDH to require reasonable, periodic financial reports from providers as needed to ensure the availability of reliable cost data. New law requires the department to consult and collaborate with providers to develop reasonable financial reporting requirements.

New law authorizes LDH to conduct annual reviews of all Medicaid reimbursement rates by disability service category and make a determination of sufficiency of each rate based on a review of all pertinent data.

New law stipulates that any reduction in disability rates to providers must be approved by the Joint Legislative Committee on the Budget.

New law requires LDH to provide a written report concerning Medicaid reimbursement rates for disability service providers to the House Committee on Appropriations, the Senate Committee on Finance, and the legislative committees on health and welfare no later than 45 days prior to the convening of each regular session of the legislature.

Effective August 1, 2019.

(Adds R.S. 40:1250.1-1250.21)

Workers' Compensation Coverage for Police and Fire Workers (ACT 122)

Present law requires the state fire marshal to obtain workers' compensation coverage for volunteer members who participate in the normal functions of the fire company.

New law retains present law but requires that, upon the purchase of a new policy or renewal of an existing policy, that any workers' compensation policy which provides coverage for a volunteer member of a fire company, pursuant to present law, will include coverage for post traumatic stress injury.

New law provides that any volunteer member of a fire company who is diagnosed by a psychiatrist or psychologist with post traumatic stress injury, either during his period of voluntary service or thereafter, shall be presumed, prima facie, to have

a disease or infirmity connected with his volunteer service.

New law provides that, once diagnosed with post traumatic stress injury as provided for in new law, the volunteer member affected or his survivors shall be entitled to all rights and benefits as granted by present law to one suffering from an occupational disease is entitled as service connected in the line of duty, regardless of whether he is engaged in volunteer service at the time of diagnosis.

New law provides that, once a fire department volunteer member is diagnosed with post traumatic stress injury, the presumption may only be rebutted by clear and convincing evidence.

New law provides that, in determining whether the evidence presented has successfully rebutted the presumptions in new law, the trier of facts may consider various specified factors.

New law provides that, except as provided in new law, any benefit payable to any local emergency medical services personnel, any employee of a local police department, or any local fire employee for temporary and permanent disability when the employee suffers an injury or disease arising out of and in the course and scope of their employment, shall include coverage for post traumatic stress injury.

New law defines "fire employee" as any person employed in the fire department of any municipality, parish, or fire protection district that maintains full-time regularly paid fire department employment, regardless of the specific duties of such person within the fire department. "Fire employee" also includes employees of nonprofit corporations under contract with a fire protection district or other political subdivision to provide fire protection services, including operators of the fire-alarm system when such operators are members of the regularly constituted fire department.

New law provides that, except as provided in new law, any local emergency medical services personnel, any employee of a local police department, or any local fire employee who is

diagnosed by a psychiatrist or psychologist with post traumatic stress injury, either during employment or thereafter, shall be presumed, prima facie, to have a disease or infirmity connected with his employment.

New law provides that, once diagnosed with post traumatic stress injury, any local emergency medical services personnel, any employee of a local police department, or any local fire employee affected or his survivors will be entitled to all rights and benefits as granted by state law to one suffering an occupational disease and is entitled as service connected in the line of duty, regardless of whether the employee is employed at the time of diagnosis.

New law provides that, except as provided in new law, the presumption that the post traumatic stress was attributable to employment as a local emergency medical services personnel, any employee of a local police department, or any local fire employee may only be rebutted by clear and convincing evidence.

New law provides that, in determining whether the evidence presented has successfully rebutted the presumptions in new law, the trier of facts may consider various specified factors.

Present law provides that every employee of the division of state police, except the head thereof, shall be considered an employee of the state within the meaning of the workers' compensation law of this state and entitled to the benefits of all the provisions of that law applicable to state employees.

New law adds that any purchase of a new policy of renewal of an existing workers' compensation policy which provides coverage for an employee of the division of state police, pursuant to present law, shall include coverage for post traumatic stress injury.

New law provides that an employee of the division of state police who is diagnosed by a psychiatrist or psychologist with post traumatic stress injury, either during employment or thereafter, shall be presumed, prima facie, to have a disease or infirmity connected with his

employment for purposes of workers' compensation benefits.

New law provides that, once diagnosed with post traumatic stress injury, the employee of the division of state police affected or his survivors shall be entitled to all rights and benefits as granted by state workers' compensation law to which one suffering an occupational disease and is entitled as service connected in the line of duty, regardless of whether the employee is employed at the time of diagnosis.

New law provides that the presumption that the post traumatic stress was attributable to employment as an employee of the division of state police may only be rebutted by clear and convincing evidence.

New law provides that, in determining whether the evidence presented has successfully rebutted the presumptions in new law, the trier of facts may consider various specified factors.

New law shall not modify the qualifications necessary to establish eligibility to receive benefits or the calculation of benefits to be paid under any Louisiana public pension or retirement system, plan, or funds.

New law provides that in case of any conflict between provisions of new law and any retirement law then the retirement law provisions control.

Effective August 1, 2019.

(Amends R.S. 40:1374; adds R.S. 23:1036.1, and R.S. 33:2581.2)

Amusement Rides Safety Law (ACT 234)

New law defines "audit", "child amusement attraction or amusement ride" or "kiddie amusement attraction or amusement ride", "adult attraction or ride", and "event".

Present law provides that, in order to operate amusements in the state, an operator must have a certificate of inspection provided by a third-party inspector and a certificate of registration issued

by the fire marshal to an operator of the inflatable amusement device, amusement attraction, or amusement ride. New law provides instead that the operator must have a current certificate of registration, valid registration plate, and registration decal issued by the state fire marshal.

New law requires an owner of inflatable amusement devices, amusement attractions, or amusement rides to notify the office of the state fire marshal (fire marshal) if a plate or decal is lost or damaged.

New law provides that any plate that is lost or damaged shall be decommissioned, and prior to receiving a new plate or decal, the owner is required to return the damaged plate or decal to the fire marshal and pay the fee.

New law provides for manufacturer's recommendations and specifications relative to the inspection of inflatable amusement devices, amusement attractions, and amusement rides.

Present law requires the third party inspector, upon completion of each inspection, to submit a certificate of inspection to the fire marshal. New law retains present law and adds a requirement that the inspector also submit a certificate of inspection to the owner.

Present law requires the fire marshal, upon notification by a third-party inspector of non-compliance of an inflatable amusement device, amusement attraction, or amusement ride, to issue a cease and desist to the operator and to lift the cease and desist order only when the deficiencies have been remedied to the satisfaction of the state fire marshal.

New law retains present law but provides that the fire marshal may also issue a cease and desist to the owner indicating that operation of the inflatable amusement device, amusement attraction, or amusement ride, which does not comply, is to immediately cease in the state of La.

New law requires the fire marshal to lift any cease and desist order and issue registration plates or registration decals, if applicable, for the inflatable amusement devices, amusement attractions, or

amusement rides only when the deficiencies have been remedied to the satisfaction of a third party inspector and proof of satisfaction is submitted to the fire marshal.

Old law provided that an operator who notifies the fire marshal of his intent to commence operation of an amusement ride or amusement attraction fewer than 5 days prior to commencing operation shall be fined \$250.00 per ride or attraction. New law reduces the fine for the first three offenses. New law provides that the fines are to be assessed over a three-year period.

Present law provides that prior to operating any new amusement ride or amusement attraction, the operator shall notify the fire marshal of his intent to commence operation and register the amusement ride or attraction. New law also prohibits the operator from operating the amusement ride or attraction until the owner has registered the ride or attraction as required in present law.

Present law requires the fire marshal, or his designee, to inspect amusement rides, amusement attractions, or inflatable amusement devices operating at a fixed operation location for more than one year. New law removes the condition that the amusements operate for more than one year, and extends the inspection requirement to amusements operating at a fixed operation location.

New law changes the frequency of the inspection from at least once annually to no more than once annually. New law allows more frequent inspections if the additional inspections are in furtherance of an investigation arising from a reported ride accident or pursuant to a complaint.

Present law provides that an operator who notifies the fire marshal of his intent to commence operation of an inflatable amusement ride fewer than 5 days prior to commencing operation shall be fined \$200.00 per device. New law reduces the fine for the first three offenses.

New law provides that the fines are to be assessed over a three-year period.

Present law provides that prior to operating any new inflatable amusement device, the operator shall notify the fire marshal of his intent to commence operation and register the amusement ride or attraction. New law also prohibits the operator from operating the inflatable amusement device until the owner has registered the device as required in present law.

Old law required an owner or operator to have a set-up inspection conducted on all inflatable amusement devices, amusement attractions, and amusement rides at least once prior to their operation at each event in the state. New law removes the requirement from the owner and limits the requirement to the operator.

Old law allowed the set-up inspection to be conducted by a third-party inspector or an employee of the owner or operator. New law only allows the set-up inspection to be conducted by a third-party inspector or an employee of the operator.

Old law provided that a set-up inspection includes a review of all necessary documents, observation and examination of the assembly, set-up, and operation, and an inspection of the foundation, blocking, fuel containers, and mechanical and electrical condition. New law repeals old law.

Old law required a third-party inspector, who engages in third-party inspections as described in present law, to be currently certified by National Association of Amusement Ride Safety Officials (NAARSO) with a Level 1 certification or the equivalent. New law requires a third-party inspector to be currently certified by NAARSO with a Level 1 or greater certification or the equivalent.

Old law prohibited a person or firm from engaging in the operation of an inflatable amusement device, amusement attraction, or amusement ride unless the person or firm holds a current and valid license issued by the fire marshal. New law excludes ride operators from the prohibition.

Old law prohibited a person or firm from assisting any unlicensed person or firm in the engagement of any testing or inspecting of an inflatable amusement device, amusement attraction, or amusement ride when the person or firm knew or should have known the latter person or firm was unlicensed.

New law removes the prohibition on assisting the unlicensed person or firm in the engagement of any testing or inspecting of the amusements and imposes a prohibition on assisting the unlicensed person or firm in the operation of the amusements.

Old law required an applicant for an operating firm license to submit to the fire marshal, documentation that the firm is an entity duly authorized to conduct business within this state. New law repeals old law.

New law requires a firm to notify the fire marshal within ten days of the termination of a licensed employee.

Present law requires the fire marshal to conduct inspections and perform audits to ensure compliance with present law and investigate at reasonable times, and within reasonable limits and manner, inflatable amusement devices, amusement attractions, or amusement rides in any area where they are assembled or in use. New law also requires inspections and audits in any area where the amusements are maintained, stored, or serviced.

Old law provided for a qualified endorsement licensing fee and renewal fee. New law repeals old law.

Present law provides that there are no fees associated with compliance inspections and audits performed by the fire marshal. New law extends the no fee provision to include any inspection and audit performed by the fire marshal.

Present law requires an operator to provide to any sponsor, lessor, landowner, or other person responsible for the offering of an amusement ride or attraction for public use a copy of the required

insurance policy or bond and the certificate of registration issued by the fire marshal. New law adds that the operator only has to provide the documentation upon request.

Present law provides that if the state fire marshal finds that any person, operator, or firm has violated any provision of present law, he may impose a fine of up to \$5,000 for each violation. New law adds inspectors to the list of persons who may be fined.

Present law allows the fire marshal to issue an order to any person, operator, or firm engaged in any activity, conduct, or practice constituting a violation of any provision of present law to cease and desist from the activity, conduct, or practice. New law adds inspectors to the list of persons subject to being issued the order to cease and desist.

Present law allows the fire marshal to seek an injunction against any person, operator, or firm who fails to comply with a cease and desist. New law adds inspectors to the list of persons who are subject to an injunction.

Present law provides that, upon showing by the fire marshal that a person, operator, or firm has engaged in activity prohibited by present law, the court shall issue a temporary restraining order pending the hearing on a preliminary injunction, and in due course issue a permanent injunction. New law adds inspectors to the list of persons who the court shall issue a restraining order against.

(Amends R.S. 40:1484.3, 1484.4, 1484.5, 1484.6, 1484.7, 1484.8, 1484.9, 1484.10, 1484.11, 1484.13, 1484.15, 1484.16, 1484.18, 1484.19, 1484.22, 1484.23, and 1484.24)

Caddo Parish Fire District No. 3 (ACT 149)

Present law establishes the Caddo Parish Fire District No. 3 and provides for its purpose, functions, and authority.

New law authorizes Caddo Parish Fire District No. 3 to levy a sales and use tax not to exceed 1%, subject to voter approval.

Effective upon signature of governor or lapse of time for gubernatorial action

(Adds R.S. 40:1501.8)

Fire Marshall Inspections (ACT 214)

Present law defines fire prevention bureaus to include any agency with locally governed jurisdiction which inspects structures, watercraft, and movables for compliance with the National Fire Protection Association's Life Safety Code and the Southern Standard Building Code.

Present law further defines fire prevention bureaus as an agency tasked with investigating fires to determine the cause, origin, and circumstance, and whether any fire had suspicious origins.

New law further provides that fire prevention bureaus also inspect pursuant to present law (R.S. 40:1574(K)), which allows the fire marshal to take into consideration any practical difficulties or economic hardship to allow alternative arrangements to achieve a minimum acceptable level of life safety.

(Amends R.S. 40:1563(D))

Fire Departments (ACT 11)

Old law provided that the fire marshal shall pay a fee of \$5 plus mileage for each structural fire report submitted by a volunteer fire department and defined volunteer fire department. New law deletes old law.

New law requires that an organization obtain a fire department identification (FDID) number in order to engage in traditional fire department activities, otherwise it has violated the law, which prohibits the fraudulent portrayal of a law enforcement officer or firefighter.

Old law required that structural fire reports be submitted to the fire marshal as he prescribes on forms he creates. New law instead requires that structural fire reports be submitted electronically by organizations which obtain an FDID number.

Old law defined terms "volunteer member" and "volunteer fire department". New law deletes those terms and defines "traditional fire department-related activities".

(Amends R.S. 40:1567)

Fire-Resistant Material Applicators (ACT 114)

New law provides that a fire-resistant material applicator is a person who applies fire-resistant material to a surface.

New law requires fire-resistant material applicators to register with the state fire marshal's office.

New law requires that a fire-resistant material applicator obtain training in the application of fire-resistant material according to manufacturer recommendations.

New law requires the fire marshal to issue certificates to fire-resistant material applicators who have completed the required training and registered with the fire marshal.

New law establishes a fine of \$250 per violation for any person applying fire-resistant material without being certified.

(Adds R.S. 40:1603)

Police Cadets' Families (ACT 378)

New law adds any cadet participating in the Dept. of Wildlife and Fisheries Enforcement Training Academy or the La. State Police Training Academy on or after July 1, 2018, to the list of law enforcement officers whose surviving spouses and dependent children are eligible to receive financial security.

(Amends R.S. 40:1665.2(B)(2) and (4))

Gun Sales by Police Officers (ACT 162)

Old law allowed the immediate family members of certain law enforcement officers the right to

purchase the officer's firearm when the officer was killed in the line of duty.

New law expands the list of law enforcement officers to include university and college police officers at state universities and colleges.

New law eliminates the requirement that the officer be killed in the line of duty in order for the immediate family member to be able to purchase the firearm.

(Amends R.S. 40:1665.4(A))

Plaquemines Port Harbor and Terminal District (ACT 95)

New law adds full time fire protection officers of the Plaquemines Port Harbor and Terminal District to the list of fire protection officers authorized to receive supplemental pay of \$500 per month. If supplemental pay is increased for other fire protection officers as provided in present law, then supplemental pay shall also increase for fire protection officers of the Plaquemines Port Harbor and Terminal District.

Effective July 1, 2020.

(Adds R.S. 40:1666.1(A)(6))

Excavation (ACT 344)

Prior law provided that prior to any excavation or demolition, each excavator or demolisher shall serve notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the excavation or demolition is to take place and provided for the notification procedure.

Prior law provided that the excavator or demolisher shall wait at least 48 hours following notification, unless mutually agreed upon and documented by the excavator and operator to extend such time, before beginning the work, except under certain circumstances.

New law provides if the operator and excavator cannot agree to extend the time and the excavation or demolition activity could impact a

pipeline located on or in water, upon request by the operator, the commissioner of conservation may delay the mark-by time prior to the commencement of any excavation or demolition activity in order to allow for the accurate marking of such pipeline.

Prior law provided for the responsibilities of a regional call center and an operator once notification of an intent to excavate is received.

Prior law provided that the specific location and type of underground utility or facility may, at the operator's option, be marked to locate the utilities or facilities.

Prior law provided that when they are marked, such markings shall be deemed good as long as visible but not longer than 20 calendar days from the mark-by time.

New law provides that the commissioner of conservation may extend the time to complete the excavation or demolition activity if such activity could impact a pipeline located on or in water.

Effective August 1, 2019.

(Amends R.S. 40:1749.13, 1749.14, and 1749.22)

Emergency Departments (ACT 438)

New law requires that emergency departments be licensed by the La. Department of Health (LDH) as part of the main campuses of hospitals or as separate off-site campuses of existing licensed hospitals.

New law prohibits licensing of freestanding emergency departments in this state.

New law prohibits licensing of hospital off-site campus emergency departments within the primary service areas of rural hospitals and that for certain rural hospitals the primary service area shall be coterminous with the boundaries of its hospital service district.

New law provides that a "rural hospital" means an entity defined in prior law and may be a hospital that is in a parish with a population of

greater than 70,000 but less than 90,000 as of the latest federal decennial census (i.e., Iberia and St. Landry Parishes).

New law shall not apply to a nonprofit hospital licensed by LDH which obtained a building or construction permit for a new off-site campus or hospital prior to April 1, 2019.

Effective August 1, 2019.

(Adds R.S. 40:2115.31 - 2115.33)

Behavioral Health Services Licensure (ACT 215)

Present law, the Behavioral Health Services Provider Licensing Law, authorizes the La. Dept. of Health (LDH) to provide for the health, safety, and welfare of persons receiving behavioral health services through the licensure and regulation of behavioral health services providers.

Present law exempts certain types of providers from the requirement for licensure, including school-based health clinics and centers that are certified by LDH, office of public health, and enrolled in the La. Medicaid program.

New law also exempts from behavioral health services licensure requirements an individual who provides school-based health services through a public school governing authority if the exemption is applicable to only school-based behavioral health services provided through the Medicaid Early and Periodic Screening, Diagnostic, and Treatment program.

(Amends R.S. 40:2154(A)(12))

Outpatient Abortion Facility Licensing Law (ACT 376)

For the purpose of the Outpatient Abortion Facility Licensing Law, prior law defined "abortion" as any surgical procedure performed after pregnancy has been medically verified with the intent to cause the termination of the pregnancy, other than for the purpose of producing a live birth, removing an ectopic

pregnancy, or removing a dead fetus caused by a spontaneous abortion.

New law changes the definition of "abortion" by providing that it is the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (1) Save the life or preserve the health of an unborn child.
- (2) Remove a dead unborn child or induce delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion.
- (3) Remove an ectopic pregnancy.

(Amends R.S. 40:2175.3(1))

Hospice Care Licensing (ACT 229)

New law provides that the administration of new law is vested in the La. Dept. of Health and the Louisiana-Mississippi Hospice and Palliative Care Organization.

New law defines "otherwise-qualified nonlicensed person" to mean an ex-offender with a certificate of completion from a community-based hospice licensed by the department, who has been convicted of an offense or offenses, except for a sex offense as defined by R.S. 15:541.

New law provides that Louisiana-Mississippi Hospice and Palliative Care Organization shall

issue permits to otherwise-qualified nonlicensed persons who provide, for compensation, health-related services directly related to patient care to residents in, or patients of, a hospice agency, and to any person who provides such services to individuals in their own homes as an employee or contract provider of a hospice.

New law provides that an otherwise-qualified nonlicensed person may apply to the Louisiana Mississippi Hospice and Palliative Care Organization for a permit to provide health-related services to a hospice agency or hospice. The Louisiana-Mississippi Hospice and Palliative Care Organization shall issue the permit for which the applicant applied and is otherwise qualified to receive.

New law provides for the training required for an otherwise-qualified nonlicensed person.

New law requires the Louisiana-Mississippi Hospice and Palliative Care Organization to approve a program curriculum for an otherwise-qualified nonlicensed person.

(Adds R.S. 40:2184(3) and 2192)

Police Training on Motorcyclists (ACT 294)

New law requires the Council on Peace Officer Standards and Training to add motorcyclist profiling awareness training to the current bias recognition policing curriculum. New law defines "motorcyclist profiling" for purposes of this training.

(Amends R.S. 40:2405.8)

Emergency Medical Personnel and Police Training (ACT 308)

New law requires the La. Dept. of Health, bureau of emergency medical services and the Council on Peace Officer Standards and Training to incorporate Alzheimer's and dementia training into their education training programs.

Effective August 1, 2019.

(Amends R.S. 40:2405.8(G); Adds R.S. 40:1133.1(D) and 2405.8(H))

Task Force on Police Behavior (ACT 165)

New law creates the Law Enforcement Data Task Force to study the collection and analysis of certain law enforcement-related activities.

New law requires the task force to submit its initial report by January 31, 2021, and to continue to report by January 31st each year thereafter.

Present law requires peace officers to collect information on the number of persons stopped for traffic violations and the demographics of those persons, the nature of the stop, and whether a citation or warrant was issued, an arrest made, or a search conducted.

New law requires the created task force to collect individual agency's policies regarding the collection of this data. The task force shall review each policy and determine which agency shall be exempt from the regulations of R.S. 32:398.10(E).

(Adds R.S. 40:2901 and 2902)

TITLE 41: PUBLIC LANDS

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Residential Treatment Facilities (ACT 425)

New law requires each licensed residential treatment facility which provides treatment for opioid use disorder to provide: (1) onsite access to at least one form of FDA-approved opioid antagonist treatment, and (2) onsite access to at least one form of FDA-approved partial opioid agonist treatment.

New law requires each licensed residential substance use disorder facility which provides treatment for opioid use disorder to submit to the La. Department of Health (LDH), on its initial licensing application or its annual licensing

renewal application, an attestation as to whether it is complying with the requirements of new law.

New law provides that the requirement for submission of the attestation shall commence on Jan. 1, 2021, and that if the licensed facility is not fully complying with the requirements of new law, then its attestation shall include a report addressing its progress toward satisfying those requirements.

New law prohibits LDH from taking any action prior to Jan. 1, 2021, to enforce the requirements of new law for residential substance use disorder facilities to submit attestations to the department relative to their compliance with new law.

Open Meetings Law (ACT 340)

Present law provides that if an enforcement proceeding prevails, the person bringing the action shall be awarded reasonable attorney fees and other costs of litigation. Present law provides that, if the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, the court may award reasonable attorney fees to the prevailing party.

New law adds that the district attorney and the attorney general may also be entitled to reasonable attorney fees and other costs of litigation if the enforcement sought prevails against a violator of the Open Meetings Law.

Prior law provided that any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of the Open Meetings Law shall be subject to a civil penalty not to exceed \$100 per violation.

New law increases the maximum amount of the civil penalty from \$100 to \$500.

Effective August 1, 2019.

(Amends R.S. 42:26 and 28)

Reimbursement by Governmental Sexual Harassers (ACT 413)

Prior law prohibited sexual harassment in the workplace. Prior law required each agency of a governmental entity to develop and institute a policy to prevent sexual harassment, which is applicable to all public servants, public employees, and elected officials.

New law declares the public policy of the state, in order to reduce the impact of sexual harassment judgments and settlements on the taxpayers of the state, when there has been a determination that a valid claim of sexual harassment has occurred, the state should consider certain factors in determining whether the alleged sexual harasser should be required to reimburse all or a portion of the judgment or settlement.

New law adds that each agency policy shall include provisions generally describing the investigation process, the possible disciplinary actions which may occur after the conclusion of the investigation including the possible disciplinary actions that may be taken against a complainant who filed an intentionally false claim of sexual harassment, and the right of the complainant to pursue a claim under state or federal law.

New law provides that when a claim of sexual harassment has been brought and the office of risk management, or an exempted institution of higher education, determines that sexual harassment did occur, the sexual harasser shall be responsible for the payment of all or a portion of the amount of settlement or judgment.

In determining the amount that the sexual harasser should be responsible for, the following factors should be considered: (1) whether the sexual harasser was engaged in the performance of the duties of his office or employment with the state at the time the sexual harassment occurred, (2) the severity of the sexual harassment, (3) the stage of litigation, and (4) the ability of the sexual harasser to pay.

New law provides that when a claim is filed against the state due to a claim of sexual

harassment which results in a final judgment or settlement against the state, the attorney general, on behalf of the state, may file suit against the sexual harasser to assert and enforce the state's right to reimbursement and indemnity. The attorney general is also entitled to recover from the alleged sexual harasser all costs and reasonable attorney fees incurred in asserting that right.

New law authorizes the attorney general to receive as compensation 25% of the total monies recovered from the enforcement of the state's right to reimbursement from the sexual harasser, with the funds to be deposited into the Dept. of Justice Debt Collection Fund.

New law provides that the attorney general, the office of risk management or the exempted institution, and the agency shall determine whether the interests of the state are best served by litigation or by the making of an offer or the acceptance of an offer to settle or compromise the claim or litigation.

New law provides that any settlement executed in connection with a claim filed pursuant to new law is a public record, with the exception of the name of the victim of the sexual harassment.

Section 1 regarding agency policies effective January 1, 2020; remainder effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:342(B) and R.S. 44:4.1(B)(28); adds R.S. 42:351-355)

Political Subdivision Hiring Procedure (ACT 392)

New law prohibits a political subdivision, when filling an employment position, from inquiring about a prospective employee's arrest record on the initial application form.

New law does not prohibit a political subdivision from inquiring about a prospective employee's other criminal history on an initial application form.

New law authorizes a political subdivision to consider the prospective employee's arrest records in making the political subdivision's final employment determination.

New law provides that employment positions for which a background check is required by law are excepted from new law.

(Amends heading of Chapter 29 of Title 42; Adds R.S. 42:1702)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

TITLE 44: PUBLIC RECORDS AND RECORDERS

Public Records Regarding Alligators (ACT 7)

Present law provides for an exemption from the Public Records Law for individualized information received by the Dept. of Wildlife and Fisheries related to shipment of alligator or alligator skins.

New law additionally exempts from the Public Records Law information related to activities associated with the egg collection, stocking, captive breeding, or farming inventory of alligators.

Amends R.S. 44:4(45))

Public Records (ACT 256)

New law provides that Public Records Law does not apply to the social security number, driver's license number, financial institution account number, credit or debit card number, or armed forces identification number of a private person who has submitted the information to a public body or official.

New law does not apply to records recorded in the mortgage or conveyance records, records of a court, or marriage records.

New law does not prohibit the disclosure of the driver's license number of a person to an insurer or insurance support organization, or a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.

Present law requires the attorney general to establish a program for educating the general public, public bodies, and custodians regarding the provisions of the Public Records Law.

New law adds that the possibility that information submitted to a public body may become public record may be included in the public records awareness program.

New law requires each custodian to use reasonable means to notify the public that information submitted to the public body may become public record pursuant to the provisions of the Public Records Law.

(Amends R.S. 44:31.2 and 33.1; Adds R.S. 44:4(57))

Document Preservation Systems (ACT 46)

Old law provided that the microfilm section of the records management program of the division of archives, records management, and history (division) within the Department of State will be the centralized microfilm center for the state.

New law provides for the removal of the term microfilming to reflect other document preservation systems provided by the imaging and preservation services section of the records management program of the division.

Present law requires all state agencies to obtain division approval for a conversion contract with any other conversion vendor.

New law further requires all state agencies to obtain division approval for the purchase of any conversion system.

Old law provided that the requirements will not be applicable to any state agency where it can be

demonstrated to be more economically feasible to continue the microfilming within the agency. New law removes the exemption.

Effective August 1, 2019.

(Amends R.S. 44:415)

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Transportation Network Companies (ACT 286)

Present law authorizes a policy of insurance procured pursuant to present law to be placed with an authorized insurer or with a surplus lines insurer pursuant to present law.

New law retains present law but requires that the authorized insurer or surplus lines insurer have a rating of no less than an A- from A.M. Best, an A from Demotech, Inc., or a similar rating from another rating agency recognized by the Dept. of Insurance.

New law defines "bodily injury" as claims for general and special damages for personal injury arising under present law (Civil Code Article 2315).

New law defines "digital network" as any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

New law defines "gross trip fare" as the base fare plus any time or distance charges, excluding any additional charges such as airport or venue fees.

New law defines "intrastate prearranged ride" as any prearranged ride originating within the jurisdiction of the local governmental subdivision.

New law defines "local governmental subdivision" as any parish or municipality as defined in Article VI, Section 44(1) of the Constitution of Louisiana.

New law defines "personal vehicle" as a vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the transportation network company driver, but not a vehicle subject to Parts A and B of the Motor Carrier law as provided for in R.S. 45:161 et seq. or engaged solely in interstate commerce.

New law defines "prearranged ride" as the provision of transportation by a driver to a rider that commences when a driver accepts a ride requested by a person through a digital network controlled by a transportation network company, continues during the driver transporting a requesting rider, and ends when the last requesting rider departs from the personal vehicle.

New law specifies that a prearranged ride does not include shared expense van pool services, as defined in present law, shared expense car pool services, as defined in present law, or transportation provided using a vehicle subject to Part A or B of the Motor Carrier law or engaged solely in interstate commerce.

New law defines "pre-trip acceptance period" as any period of time during which a driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in an intrastate prearranged ride.

New law defines "transportation network company" (company) as a person, whether natural or juridical, that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides, or a person, whether natural or juridical, that provides a technology platform to a transportation network company rider that enables the transportation network company rider to schedule an intrastate prearranged ride.

New law defines "transportation network company driver" as a person who receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the

transportation network company, and who uses a personal vehicle to offer or provide a prearranged ride to persons upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

New law defines "transportation network company rider" as a person who uses a transportation network company's digital network to connect with a transportation network driver who provides intrastate prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

New law provides that a "transportation network company vehicle" has the same meaning as "personal vehicle".

New law establishes a classification of carriers; specifically, provides that a company or driver is not a common carrier, contract carrier, or motor carrier and exempts a driver from having to register the vehicle as a commercial motor vehicle or a for hire vehicle.

New law prohibits a person from operating a company without first obtaining a permit from the department and provides requirements for the permit. New law provides an exception to this requirement for companies that have been operating in this state prior to the effective date of new law.

New law requires the department to issue a permit to each applicant that meets the requirements applicable to a company as provided for in new law.

New law requires a company to maintain an agent for service of process in this state.

New law requires companies to disclose the fare or the fare calculation method located on their website or within the online-enabled technology application service to the rider prior to the prearranged ride if a fare is collected from the rider.

New law requires the company's digital network to display a picture of the driver and the license

plate number of the vehicle that will be used prior to the rider entering the car for a prearranged ride.

New law requires a driver to present his physical driver's license or digitized driver's license to a rider prior to the start of each prearranged ride upon request.

New law requires the transmission of an electronic receipt to the rider on behalf of a driver within a reasonable time following the completion of a prearranged ride. New law requires that the origin and destination of the trip, the duration and distance of the trip, and the total fare paid for the trip be included on the receipt.

New law requires a company to implement a zero tolerance policy regarding a driver's activities while accessing the company's digital network. New law requires the policy address the use of drugs or alcohol while a driver is providing prearranged rides or is logged into the company's digital network.

New law requires the company to provide notice of this policy on its website as well as procedures to report a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the prearranged ride.

New law requires a company to suspend a driver's ability to accept trip requests through the company's digital network immediately upon receipt of a rider's complaint alleging a violation of the zero tolerance policy.

New law requires the company to conduct an investigation into the reported incident and mandates that the suspension must last until the investigation is complete.

New law requires the company to maintain records relevant to the complaint for a period of at least two years from the date that a rider's complaint is received by the company.

New law establishes application, background check, and driving history requirements that an individual must meet prior to being authorized to

accept trip requests through a company's digital network.

New law requires the application include information regarding the applicant's address, age, driver's license, motor vehicle registration, insurance, and any other information required by the company.

New law requires the company or a third party to conduct a local and national criminal background check for each applicant that includes certain specified searches.

New law requires the company to conduct the background check or driving history research report at least once every two years.

New law requires a company to prohibit an individual from acting as a driver if, within the three year period prior to applying to the company, the individual's driving history report reveals more than three moving violations, or the individual's initial background check or any subsequent background check reveals the individual has had at least one of the following violations: flight from an officer or aggravated flight from an officer, reckless operation of a vehicle, or operating a vehicle while under suspension.

New law requires a company to prohibit an individual from acting as a driver if the individual has been convicted, within the past seven years, of any enumerated felony, operating a vehicle while intoxicated, hit and run driving, or any crime of violence.

New law requires a company to prohibit an individual from acting as a driver if the individual is listed as an offender on the national sex offender public website maintained by the U.S. Dept. of Justice, or does not possess a valid driver's license or the required registration to operate a motor vehicle.

New law prohibits a driver from accepting a trip for compensation if it is not arranged through the company's digital network.

New law requires a company to adopt a nondiscrimination policy with respect to riders and potential riders and to inform its drivers of this policy. New law requires the drivers to comply with all applicable nondiscrimination laws and all applicable laws relating to transporting service animals.

New law prohibits a company from imposing any additional charges for providing services to persons with physical disabilities.

New law requires a company to keep individual trip records and individual driver records for at least three years after each trip or dissolution of a relationship with a driver.

New law establishes requirements and procedures for an audit of a company by the department.

New law grants the governing body of a local governmental subdivision the ability to request a report from the department on the results of an audit performed by the commission.

New law authorizes the department to inspect records held by the company that are necessary to investigate and resolve a specific complaint against a driver or the company.

New law authorizes a local governmental subdivision that has enacted a company ordinance that includes a per-trip fee prior to March 1, 2019, and has a company operating within the corporate limits of a local governmental subdivision as of March 1, 2019, to impose a fee up to or equal to the per-trip fee imposed by the local governmental subdivision's company ordinance as of March 1, 2019, on each intrastate prearranged ride within the corporate limits of the local governmental subdivision.

New law authorizes a local governmental subdivision to impose a per-trip fee up to 1% of the gross trip fare for each intrastate prearranged ride.

New law prohibits a local governmental subdivision that imposes a per-trip fee pursuant to new law from imposing any fees or

requirements other than the fee specified in new law.

New law specifies that a municipality's fee may apply only to intrastate prearranged rides originating within the incorporated limits of the municipality and a parish's fee may apply only to intrastate prearranged rides originating within the unincorporated portions of the parish.

New law requires a local governmental subdivision to provide written notice to each company at least 30 days prior to an initial hearing, reading, or consideration of an ordinance imposing a fee pursuant to new law.

New law requires a company to collect the fee on behalf of the drivers and remit the total fee to the local governmental subdivision on a quarterly basis within 30 days of the end of the calendar quarter.

New law grants the department sole audit authority with respect to the fees remitted by a company to a local governmental subdivision; requires a company to keep accurate books and records reflecting its accounting and payment of fees; and upon reasonable prior written request, no more than annually, authorizes the department to conduct an audit by visually inspecting a company's books and records relating to its accounting and payment of fees to the local governmental subdivision, with the audit limited to a single calendar year, which may be chosen by the department.

New law provides that if a local governmental subdivision has a reasonable basis to suspect underpayment, the local governmental subdivision must request that the department initiate an audit pursuant to new law, and if underpayment is over \$50, requires the company to remit the underpaid fees to the local governmental subdivision within 30 days.

New law prohibits a local governmental subdivision from adding audit authority by ordinance.

New law provides that any record furnished or disclosed to the department may, as appropriate,

exclude information that would identify specific drivers or riders.

New law provides that the governing body of a local governmental subdivision may request to review the results of an audit conducted pursuant to new law with respect to fees remitted by a company to the local governmental subdivision.

New law provides that it is the intent of the legislature to provide for the uniformity of laws to govern transportation network companies, along with any rules promulgated by the department.

New law further provides restrictions to the governing authorities on imposing taxes, requiring a company to acquire a local business license or other type of authorization to operate, or subject a company to any rate, entry, operation, or other requirement, except as provided for in new law.

New law does not prohibit an airport from charging pick-up fees for the use of the airport's facilities or designating locations for staging, pick-up, and other similar operations at the airport.

New law provides that nothing in new law is to be construed to prohibit the state from maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding the sale, distribution, repair, or service of vehicles.

New law authorizes the department to promulgate rules and regulations to implement and enforce new law and specifies that the rules may be more stringent than the requirements set forth in new law.

New law mandates that the department report to the Joint Legislative Committee on Transportation, Highways and Public Works for review and approval of any rules or regulations promulgated by the department.

Effective July 1, 2019.

(Amends R.S. 45:201.6(G)(2); Adds R.S. 48:2191 - 2205)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Foster Children and Support Obligations (ACT 241)

New law provides that parents or other individuals whose children have been voluntarily or involuntarily placed in foster care are deemed to have made an assignment of their right to the Department of Children and Family Services (DCFS).

New law provides such assignment includes the parent's or individual's entire right, title, and interest to any support obligation such parent or individual may have and: (1) occurs without the necessity of signing any documents, (2) constitutes an obligation owed to DCFS, and (3) includes voluntary payments made to the parent at the time of placement.

New law provides that during such assignment, without the necessity of signing any document, the parent or individual shall be deemed to have consented to:

- (1) The designation of DCFS as payee.
- (2) Having the child support enforcement administrator act as his attorney and act in his name, place, and stead.
- (3) Having the child support enforcement administrator perform the specific act of endorsing any and all draft, checks, money orders, or other negotiable instruments representing support payments which are received on behalf of such individual or parent.
- (4) Having DCFS be an indispensable party to any proceeding involving a support obligation or arrearage owed.

New law prohibits any parent or individual who has had a child removed from the parents' custody or voluntarily placed in foster care from entering

into a contract for the collection of support. New law provides that any such contract is void and shall be considered a violation of public policy.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 46:51.1.1)

Foster and Adoptive Parents (ACT 33)

Old law provided that no child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that no adult living in the home of the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

New law repeals old law and provides instead that no prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that such person or, in the case of a prospective relative guardian, any other adult living in the home of the prospective guardian, does not have any of the following:

- (1) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.
- (2) A felony conviction for physical assault, battery, or a drug-related offense which occurred within the past five years.
- (3) A felony conviction for a crime listed in R.S. 15:587.1(C), other than a crime listed in new law, unless an assessment of the circumstances of the crime and of the current situation of the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, has been conducted by the La. Department of Children and Family Services (DCFS)

and it has been determined that the child would not be at risk if placed in the home.

New law repeals old law providing for the following prohibitions:

- (1) No child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony involving controlled substances unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.
- (2) No child shall be placed by DCFS into a home where the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony involving controlled substances until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by DCFS for the duration of the placement.

Old law provided that nothing therein shall be construed to prohibit DCFS or its employees from considering prior convictions in determining whether to place a child in a foster home for temporary care or for adoption. New law revises law to provide that nothing therein shall be construed to prohibit DCFS or its employees from considering any prior convictions of the prospective foster or adoptive parent, relative guardian, or any other adult living in the household in determining whether to place a child in a foster home for temporary care or for adoption.

New law provides that "any other adult living in the household" does not include a youth participating in the Extended Foster Care Program.

(Amends R.S. 46:51.2(C))

Human Trafficking Victim Services (ACT 409)

New law provides that, subject to appropriation by the legislature, the Dept. of Children and Family Services, working in collaboration with the Dept. of Health, and the Family in Need of Services Assistance Program, with the assistance of the La. Alliance of Children's Advocacy Centers, is to create a coalition to develop a human trafficking victim services delivery model.

New law provides that the model is to be developed with consideration of the recommendations of and collaborating with the La. Human Trafficking Prevention Commission and Advisory Board, and provide a multi-disciplinary and agency approach that coordinates resources and improves the statewide response and delivery of services to victims.

New law provides that the Dept. of Children and Family Services is to provide a report on the development of the coalition's services delivery model to the Senate and House health and welfare committees by June 30, 2020, and annually thereafter until completion of the model.

Effective upon signature of the governor (June 20, 2019).

(Adds R.S. 46:62)

Medicaid Prescription Drugs and Pharmacy Services (ACT 263)

Present law authorizes the La. Department of Health to implement a prior approval process for Medicaid prescription drugs.

New law retains present law and mandates a single preferred drug list that shall include all therapeutic drug classes that are subject to prior authorization.

New law authorizes the La. Department of Health to remove pharmacy services from Medicaid managed care organization contracts and assume direct responsibility for all Louisiana Medicaid pharmacy services.

New law provides that if the department administers the Medicaid pharmacy program through use of one or more Medicaid managed care organization pharmacy benefit managers certain provisions in new law must be adhered to.

New law provides that the department has a duty to administer the Medicaid prescription drug benefit program in the most clinically effective cost-efficient manner possible.

New law requires the department to develop and submit a comprehensive plan to administer the Medicaid prescription drug program and submit the plan to the Senate and House committees on health and welfare, Senate Finance Committee, and House Appropriations Committee on February 1, 2020.

New law requires that certain specified information, at a minimum, be included in the La. Department of Health's comprehensive plan.

Effective August 1, 2019.

(Amends R.S. 46:153.3; adds R.S. 46:450.7)

Medicaid Coordinated Care Networks (ACT 174)

Old law provided a requirement that each individual Medicaid prepaid coordinated care network (CCN) must establish a pharmaceutical and therapeutics committee to develop a drug formulary and preferred drug list for the CCN. Old law provided that the CCN must meet no less than semiannually in Baton Rouge, Louisiana, and that such meeting shall be open to the public and allow for public comment prior to voting on any changes to the CCN's preferred drug list or formulary.

New law repeals old law.

Effective upon signature of the governor (June 11, 2019).

(Repeals R.S. 46:460.32)

Medicaid Managed Care Organizations (ACT 319)

New law defines the term "policy or procedure" to mean a requirement governing the administration of managed care organizations specific to billing guidelines, medical management and utilization review guidelines, case management guidelines, claims processing guidelines and edits, grievance and appeals procedures and process, other guidelines or manuals containing pertinent information related to operations and pre-processing claims, and core benefits and services.

New law establishes a public notice requirement for any contract amendment proposed by requiring the Louisiana Dept. of Health (LDH) to publish, on a publicly accessible page of LDH's website, a copy of the entire proposed contract amendment and to provide a public comment period of no less than 30 days; except where LDH finds imminent peril to public health, safety, or welfare in which case they may immediately execute the proposed contract amendment upon publishing a copy of the contract amendment and a written statement that details the reason for finding that an imminent peril requires adoption of the executed amendment.

New law establishes policies and procedure for adoption of policies which require LDH to publish the proposed policy or procedure on a publicly accessible page of LDH's website for a period of no less than 45 days for the purpose of soliciting public comment. LDH shall determine the format; however, LDH shall include existing policy or procedure along with proposed policy or procedure.

New law provides that any policy or procedure proposed by a managed care organization shall not be implemented unless LDH has provided its express written approval to the managed care organization after the expiration of the public notice period. However, if LDH finds that imminent peril requires immediate approval, LDH may implement the proposal upon publishing a written statement that details its reasons for finding that imminent peril requires

adoption of the proposed policy or procedure and a copy of the New policy or procedure.

New law shall not apply to any policy or procedure that is promulgated in accordance with the Administrative Procedure Act or included in a duly executed contract.

New law prohibits LDH or a managed care organization from enforcing any policy or procedure that is not adopted in compliance with this section.

New law requires that any policy or procedure change made by a managed care organization be submitted to LDH for approval within a given time frame of making the change.

(Adds R.S. 46:460.51(15), 460.53, and 460.54)

Denials of Prior Authorization Requests (ACT 330)

New law defines the term "prior authorization" to mean any situation in which the La. Dept. of Health (LDH) or a managed care organization (MCO) does not fully approve of services or items being requested by a healthcare provider, including any situation in which a service or item other than the exact service or item requested is approved.

New law provides that when claims are denied by the MCO based upon an opinion or interpretation by the MCO of a law, regulation, policy, procedure, or medical criteria or guideline, then the MCO shall provide with the remittance advice either instructions for accessing such source in the public domain or an actual copy of the law, regulation, policy, procedure, or medical criteria or guideline.

New law provides that the prior authorization requirements of LDH and each MCO shall either be furnished to the provider within 24 hours of a request for the requirements or posted in an easily searchable format on the website of the respective MCO or the department.

New law requires that if LDH or an MCO denies a prior authorization request, then LDH or the

MCO shall provide written notice to the provider requesting the prior authorization of the denial within three business days of making the decision.

New law provides that if the denial of the prior authorization by LDH or MCO is based upon an interpretation of a law, regulation, policy, procedure, or medical criteria or guideline, then the notice shall contain either instructions for accessing such source in the public domain or an actual copy of the law, regulation, policy, procedure, or medical criteria or guideline.

(Amends R.S. 46:460.71(C); Adds R.S. 46:460.51(15) and 460.74)

Medicaid-Funded Behavioral Health Services (ACT 370)

New law provides that "CPST services" means community psychiatric support and treatment services and "PSR services" means psychosocial rehabilitation services.

New law limits individual behavioral health services providers rendering CPST services, PSR services, or both to a maximum combined total of 12 reimbursable hours of Medicaid-funded services per rendering provider, per calendar day, regardless of the number of patients seen by the rendering provider, unless the services are billed for a group setting.

New law stipulates that services subject to the 12-hour limitation include all CPST and PSR services rendered per individual National Provider Identifier at one or more outpatient behavioral services provider facilities or agencies within a calendar day. New law provides, however, that the limit shall not apply per individual behavioral health services provider agency.

New law prohibits Medicaid managed care organizations from accepting for payment any behavioral health services claim that does not include all claim information required by present law relative to specialized behavioral health services in the state Medicaid program.

New law requires the La. Department of Health to include the limitation on reimbursable hours of CPST and PSR services in each contract with a Medicaid managed care organization that covers behavioral health services.

New law provides that implementation of any of its provisions shall be subject to approval by the Centers for Medicare and Medicaid Services.

(Adds R.S. 46:460.77.1 and 460.77.2)

Medicaid Services for Children With Disabilities (ACT 421)

New law indicates that its purpose is to provide for the TEFRA option within the Medicaid program of this state through which children with disabilities can access Medicaid-funded services regardless of their parents' income.

New law defines "TEFRA option" as the program authorized under section 134 of the Tax Equity and Fiscal Responsibility Act of 1982, and provided for more specifically in new law, which furnishes Medicaid benefits to children with disabilities who are otherwise ineligible for such benefits because the income of their household exceeds state-established limits for Medicaid eligibility.

New law requires the La. Department of Health (LDH) to develop and submit to the federal Medicaid agency on or before Jan. 1, 2020, an application for a Medicaid state plan amendment to implement a TEFRA option program. New law requires LDH to establish the eligibility factors and benefits of the TEFRA option program in accordance with the requirements and specifications of new law.

New law stipulates that the TEFRA option shall offer coverage exclusively through the Medicaid fee-for-service system, unless LDH determines that offering TEFRA option coverage to persons enrolled in the Medicaid managed care program would be more cost-effective.

New law provides that in order to be eligible for the TEFRA option, a child must meet specified criteria.

New law requires that the TEFRA option provide to eligible children coverage for all Medicaid state plan services.

New law requires that to the maximum extent practicable, as determined by the secretary of LDH, the department shall include TEFRA option beneficiaries in its health insurance premium payment program as a means of maximizing private health insurance coverage of Medicaid enrollees.

(Adds R.S. 46:977.21-977.25)

Iberia Parish Hospital Service District No. 1 (ACT 346)

New law changes the qualifications of membership on the board of commissioners.

New law provides for transition for current board members and that a vacancy shall be filled in the same manner as the predecessor's appointment.

Effective August 1, 2019.

(Amends R.S. 46:1053(B)(4))

Concordia Parish Hospital Service District Number One (ACT 62)

New law:

- (1) replaces the police jury of the hospital service district board of commissioners with the medical staff at Riverland Medical Center as the appointing entity of the physician member, and specifies that such member shall be elected by such staff.
- (2) requires that the physician member be an active member of the medical staff at Riverland Medical Center.
- (3) provides that the physician member be a qualified voter and resident of the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:1053(Q)(2))

Appropriation for Councils on Aging (ACT 127)

Present law provides for an annual appropriation for the councils on aging. Present law provides for an allocation of \$2.50 per person age 60 or older in the parish based on the latest official census estimate.

New law increases the per parish minimum allocation from \$37,500 to \$100,000.

New law removes provision providing a maximum allocation for any one parish council on aging of \$100,000 unless additional funds are appropriated.

New law increases the total minimum annual appropriation for the councils on aging from \$2,776,800 to \$6,900,000.

Effective August 1, 2019.

(Amends R.S. 46:1606(A) and (B)(1))

Crime Victims Reparations (ACT 418)

Existing law requires the Crime Victims Reparations Board to order the payment of reparations to a crime victim or other claimant for any pecuniary loss sustained by the victim or claimant that was proximately caused by the commission of certain crimes.

Existing law provides that no award of reparations shall be made if the board finds certain disqualifying facts.

Existing law provides that the board may deny or reduce an award if it finds that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss.

New law adds that no victim or claimant shall be denied or otherwise deemed ineligible for

reparations, nor shall any award for reparations be reduced, on the basis that the victim or claimant has a conviction or adjudication of delinquency, on the basis that the victim or claimant is currently on probation or parole, or on the basis that the victim or claimant has previously served any sentence of incarceration, probation, or parole unrelated to the offense for which reparations would otherwise be awarded pursuant to existing law.

Effective August 1, 2019.

(Adds R.S. 46:1809(E))

TROs and Protective Orders in Domestic Abuse Cases (ACT 417)

Existing law provides that upon the issuance of a temporary restraining order or protective order in domestic abuse cases, the judge shall cause to have prepared a Uniform Abuse Prevention Order, shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued.

Existing law requires the clerk of the issuing court to transmit the Uniform Abuse Prevention Order to the judicial administrator's office, La. Supreme Court, for entry into the La. Protective Order Registry, and to send a copy of the Uniform Abuse Prevention Order, or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible.

Existing law provides that a copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

New law adds that the copy of the Uniform Abuse Prevention Order sent to the chief law enforcement officer shall be reviewed by the law enforcement agency upon receipt.

New law requires the petitioner to be notified of the right to initiate criminal proceedings and to be informed that the granting of a temporary

restraining order or protective order does not automatically file criminal charges against the defendant.

Effective August 1, 2019.

(Amends R.S. 46:2135 and 2136)

Ambulance Services (ACT 299)

Present law authorizes the La. Department of Health (LDH) to impose fees for the provision of Medicaid-funded healthcare services, commonly known as "provider fees," on emergency ground ambulance service providers.

Present law authorizes LDH to collect a provider fee from every emergency ground ambulance service provider on each emergency ground ambulance transport contingent upon certain conditions being satisfied.

New law adds nonemergency ground ambulance transport as a service for which emergency ground ambulance service providers may be assessed provider fees.

(Amends R.S. 46:2626(F)(1)(intro. para.), (G)(1) and (5), (H)(1)(d), and (I)(7))

TITLE 47: REVENUE AND TAXATION

Net Operating Loss Carryforward (ACT 304)

Present law provides for a deduction from corporate income tax for 72% of the amount of net operating loss incurred in La. and authorizes carryforward of excess net operating loss for a period of 20 years.

Old law required net operating loss to be applied for purposes of reducing La. net income in order of the year of the loss, beginning with the most recent taxable year.

New law changes old law by requiring net operating loss from the earliest taxable year to be applied first.

New law is applicable for all taxable periods beginning on or after Jan. 1, 2020.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:287.86(C)(2))

Flow-Through Entity Income Taxation (ACT 442)

Prior law required Subchapter S corporations to pay Louisiana income tax using the corporate income tax rate and bracket schedule as follows:

- (1) 4% on the first \$25,000 of La. taxable income.
- (2) 5% on La. taxable income above \$25,000 but not in excess of \$50,000.
- (3) 6% on La. taxable income above \$50,000 but not in excess of \$100,000.
- (4) 7% on La. taxable income above \$100,000 but not in excess of \$200,000.
- (5) 8% on all La. taxable income in excess of \$200,000.

Prior law required income from flow through entities such as partnerships and limited liabilities companies that elect federal partnership treatment (referred to as "flow through entities") to be reported on the partner or member's individual income tax return.

New law provides an election that authorizes S corporations and other flow through entities to file and pay tax on their Louisiana income as if they were C corporations.

New law changes the Subchapter S corporation state income tax rates to the married individual income tax rates and brackets, for S corporations that elect to be taxed at the corporate level:

- (1) 2% on the first \$25,000 of La. taxable income.
- (2) 4% on La. taxable income above \$25,000 but not in excess of \$100,000.

- (3) 6% on La. taxable income in excess of \$100,000.

New law applies the married individual income tax rates and brackets to the income of all flow through entities that elect to be taxed as corporations for Louisiana tax purposes.

Prior law provided a deduction for federal income tax paid on Louisiana income for the taxable year.

New law authorizes Subchapter S corporations and other flow through entities that elect to file and pay Louisiana income tax as if they were a corporation a deduction for the amount of federal income tax the entities would have paid on its Louisiana income if it had been taxed as a C corporation for federal income tax purposes.

Prior law provided a corporation income tax exclusion for Subchapter S income that is reported on a Louisiana individual resident or nonresident income tax return.

New law retains prior law Subchapter S exclusion for S corporations not making the new law election and provides an individual income tax exclusion for Louisiana Subchapter S income and flow through entity income that is included in Louisiana individual income taxpayer's federal adjusted gross income for that taxable year.

New law provides that all provisions in the corporation income taxation law apply to entities making the new law election.

New law prohibits an entity from making the new law election if the entity files a composite partnership return for the same tax year.

Present law requires individual income taxpayers to inform the secretary of revenue of federal income tax adjustments.

New law requires individual income taxpayers who use the new law S corporation and flow through entity exclusion to notify the secretary if changes are made to their federal income tax return due to adjustments to an S corporation's income or losses.

Prior law provided that credits earned by flow through entities shall flow through to partners or members as provided in the operating agreement of the entity.

New law provides that credits earned by flow through entities that have made the new law election shall not flow through to the partners or members but shall be applied at the entity level.

Prior law required S corporations to use corporation income tax credits at the corporation level unless the S corporation annually elects to flow corporation income tax credits to shareholders.

New law retains the prior law requiring S corporations to use credits at the corporation level and ends the annual election to flow through credits on Jan. 1, 2019.

New law applies to all taxable years beginning on or after Jan. 1, 2019.

Effective upon signature of the governor (June 22, 2019).

(Amends R.S. 47:287.732(B)(1), 293(10), and 1675(G); adds R.S. 47:287.732(B)(6), 287.732.2, 293(9)(a)(xviii), 297.14, 1623(G), and 1675(F)(4))

Tax Credits Repealed (ACT 202)

Prior law provided for the following tax credits:

- (1) Family responsibility tax credit, R.S. 46:449(D) and 47:297(F).
- (2) Employer credit for employment of previously unemployed, R.S. 47:6004.
- (3) Louisiana Basic Skills Training Tax Credit, R.S. 47:6009.

New law repeals these tax credits for all income tax periods beginning on or after Jan. 1, 2019, and corporation franchise tax periods beginning on or after Jan. 1, 2020.

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 46:449(D); repeals R.S. 46:449(E), R.S. 47:297(F), 6004, and 6009)

Tax Credits for Rural Medical Professionals (ACT 338)

Present law allows a credit against individual income tax for physicians, dentists, and primary care nurse practitioners who establish and maintain their primary office in a primary care high needs geographic health professional shortage area that is in a rural area.

New law adds primary care physician assistants and optometrists licensed by the state to the group of medical professional eligible to receive the individual income tax credit.

Effective August 1, 2019.

(Amends R.S. 47:297(H)(2)(a) and (b) and (3))

Income Tax Refund Offset Program (ACT 183)

Present law authorizes municipalities and parishes to refer unpaid debt to the Department of Revenue for offset against individual income tax refunds.

New law authorizes all units of local government, including school boards and special districts, to refer unpaid debt to the Department of Revenue for offset against individual income tax refunds.

Old law defined debt as any legally collectible, liquidated sum due and owing an agency that is in excess of \$25.

New law provides that unpaid public elementary and secondary school student fees or unpaid elementary and secondary student fees for students enrolled in the Student Scholarships for Educational Excellence Program meals will not be considered debt for purposes of the income tax refund offset program.

Present law provides for a priority ranking of refund offset claims.

New law retains present law priority for municipalities and parishes and adds all other local government units authorized to perform governmental functions, including a school board or special district to this priority level.

Present law requires state agencies to refer certain delinquent debts to the Office of Debt Recovery for collection.

New law retains present law for state agencies and authorizes all units of local government to refer final delinquent debts to the Office of Debt Recovery for collection.

Old law defined debt as any legally collectible, liquidated sum due and owing an agency and provided for exceptions.

New law retains old law exceptions from the definition of debt and further provides that unpaid public elementary and secondary school student fees and unpaid elementary and secondary student fees for students enrolled in the Student Scholarships for Educational Excellence Program meals will not be considered debt for purposes of the income tax refund offset program.

Effective August 1, 2019.

(Amends R.S. 47:299.2, 299.11, and 1676)

Sales Taxes on Inputs for Commercial Farming (ACT 366)

Present law provides for sales and use exemptions and exclusions for certain agricultural inputs for commercial farmers who produce food or commodities at a profit and file their farm income and expenses on federal tax forms.

New law expands the definition of commercial farmer to include a landowner who is determined by the Dept. of Revenue to be a party to a joint venture and who leases land to a commercial farmer, as defined by present law.

New law requires the Dept. of Revenue to make a determination of whether a landowner qualifies as a commercial farmer. New law requires the landowner to submit documentation of the joint venture or the report of farm income and expenses, including proof of lease income, from the joint venture on a federal tax form to the secretary of the Dept. of Revenue.

Effective July 1, 2019

(Amends R.S. 47:301(30))

Sales Taxes on Remote Sales (ACT 360)

Present law establishes the La. Sales and Use Tax Commission for Remote Sellers as an independent agency within the Dept. of Revenue for the administration and collection of sales and use taxes related to remote sales.

Present law provides that the commission serves as the single entity in La. required under any potential federal law that may require remote sellers to collect and remit sales and use tax on remote sales. New law expands the definition of federal law.

New law provides that when delivery and use of taxable property occurs in a parish where there is no local use tax, an affidavit confirming no local use tax will be accepted in lieu of local paid use tax returns.

Old law provided that until the establishment of the commission, dealers are required to collect tax and to file all returns.

New law instead requires dealers to collect tax and file returns until the commission enforces the collection and remittance of state and local sales tax. New law provides that notice by the commission to commence enforcement shall be published no later than 30 days prior to the date of enforcement.

New law changes the definitions of "remote sale", "remote seller" and "person."

Present law establishes a method of funding the commission's operations, however the

commission shall not be authorized to use these funds unless and until a federal law authorizing states to require remote sellers to collect state and local sales and use taxes becomes effective.

New law expands the definition of federal law for this purpose. New law provides that local collectors may be allowed to retain the usual and customary percentage of the taxes they collect.

Present law provides for the powers and duties of the commission, including requiring remote sellers to register with the commission.

New law provides that administrative laws will specify the time period in which remote sellers must register, which shall in no event be later than July 1, 2020.

Old law provided that the commission remit all money collected to the "appropriate taxing jurisdiction" on or before the 10th business day of the month following the month of collection.

New law replaces the phrase "appropriate taxing jurisdiction" with "appropriate state or local collector".

New law requires that upon the request of a state or local collector, the commission shall provide taxpayer information and taxpayer history to the state and local collector.

New law states that money collected on behalf of a remote seller for sales and use taxes shall remain the property of the respective taxing authority and is deemed to be held in trust, including while the money is in the possession of the commission.

New law expands the Board of Tax Appeal's jurisdiction to all matters related to the commission.

(Amends R.S. 47:302, 339, 340 and §2 of Act No. 5 of the 2018 2nd E.S.; Adds R.S. 47:340(E)(4), (G)(6)(a) and (b), (11), (H)(15), and 1407(6))

Board of Tax Appeals; Claims Against State; Withholding Taxes; Tax Refunds (ACT 367)

Present law provides that failure to obey any order or subpoena issued by the Board of Tax Appeals shall constitute contempt of court, and may be punished by the board or its local tax judge in accordance with the provisions of prior law with respect to contempt of court.

New law changes prior law, as it relates to appeals of a finding of contempt, from a trial de novo in the 19th JDC to an appeal or a supervisory writ.

New law provides that service of papers filed with the board or orders of the board may also be made as provided by the Code of Civil Procedure or by registered mail.

New law provides that in matters in which a local collector is appealing a ruling against another local collector that review is proper in the court of appeal for either the parish of the appellee or the parish that has the most connection to the matter.

Prior law required taxes paid under protest to be placed in escrow and to be distributed by the fiscal agent only upon notice of a final, nonappealable judgment.

New law authorizes the board to utilize the escrow account, including interest earnings, to facilitate the operation of an online filing system, including the deposit of advance costs from subscribers and related payment of amounts collected related to that service.

New law authorizes advance deposits of local filing fees to be held in the escrow account pending an order taxing costs in a case. New law provides for refund of unused balances to the depositor if the costs taxes are less than the amount of the advance deposit. New law authorizes the board to utilize the escrow account and interest earned on the account to facilitate operations of an online filing system.

New law authorizes the board and the secretary of the Department of Revenue (DOR) to enter into an agreement to allow the filing of claims against the state with the department on forms prescribed by the secretary.

Prior law provided that if a claim approved by the board does not exceed \$1,000, the chairman of the board shall issue a warrant to the state treasurer for payment of the approved claim. If the amount of the approved claim exceeds \$1,000, the chairman of the board shall report the amount of the claim to the legislature for consideration of payment at the next legislative session.

New law increases the amount of the approved claim that can be paid from the state treasury from \$1,000 to \$20,000 and clarifies the procedure for the payment of the approved claim.

New law provides that judgments issued by the board for the payment of approved claim when the amount approved does not exceed \$20,000 shall be paid out of current tax collections without interest. New law limits total amount of judgments paid in a fiscal year from current collections to two million dollars, unless a higher amount for that fiscal year is approved by the commissioner of administration and the Joint Legislative Committee on the Budget ("budget committee").

New law provides that the payment of judgments for approved claims shall be paid by the secretary in the order in which the claims were approved by the board. If the total amount of claims authorized for payment exceeds two million dollars in a fiscal year, the payment of any excess claims shall be issued in the subsequent year in the same order of priority and with priority over any claims subsequently approved by the board.

New law provides that when the board approves a claim against the state and the amount of the claim exceeds \$20,000 but is not more than \$250,000, the claim shall be submitted to the litigation subcommittee of the budget committee for review prior to the next regular session of the legislature. If the claim is approved by the litigation subcommittee, the approved claim shall be paid out of current tax collections without interest, following submission of the authorization to the secretary.

New law provides that if a claim against the state for erroneous payments of state taxes is not paid

pursuant to prior and new law, nor is the claim paid through an appropriation of the legislature, the secretary and the claimant may agree to pay the claim as a nonrefundable offset against the particular tax at issue. Any unused amount of offset may be carried forward against subsequent tax liability for the same tax for a period not to exceed five years. However, the provisions of new law shall not apply to claims that exceed one million dollars.

New law provides that payment of judgments for approved claims be paid by the secretary in the order in which approved by the board. New law provides that if the total amount of claims approved by the Board and authorized for payment new law exceeds the amount authorized in a fiscal year, then payments of excess claims are to be issued in the subsequent year in the same order of priority and with priority over any claims subsequently approved by the board.

Present law provides for personal liability for officers, directors, managers, and members of corporations, limited liability companies, and limited partnerships who withhold wages from employees or collect sales and use tax and who willfully fail to remit these taxes to the collector.

New law authorizes the collector to bring an action before the board or other court of competent jurisdiction to enforce the obligation of taxpayers to remit taxes to the state they have actually collected from others, and authorizes a money judgment for any amounts that were actually collected from others and not remitted to the state.

New law authorizes the board or court to render a judgment for the payment of tax, interest, penalties, attorney fees, and costs when the collector prevails in an action against a taxpayer that collects, but fails to remit withholding and sales and use taxes.

Present law provides for the suspension of prescription for the assessment of taxes.

New law provides that solely for final adjustments actually made to federal income tax, the period during which prescription is suspended

for state income taxes shall run concurrent to the period for which the tax period remains open under federal income tax law.

New law provides a specific prescriptive period for income tax refunds to veterans who received a federal refund pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016. The refund may be claimed until two years from the date the taxpayer received notice from Department of Defense that he is eligible for such at the federal level.

Prior law prohibited refunds for the overpayment of taxes as a result of a mistake of law arising from the misinterpretation by the collector of a law, rule, or regulation, and required instead that a taxpayer pay the disputed taxes under protest or by appeal to the board. New law repeals prior law.

New law requires the state collector to pay a refund in cases where taxes are overpaid as a result of an unconstitutional law, invalid or unenforceable rule or regulation, or because of a mistake of law arising from the misinterpretation by the collector of the provisions of any law, rule, or regulation.

Effective upon signature of the governor (June 18, 2019).

(Amends R.S. 47:302, 1403, 1408, 1439, 1481, 1483, 1574.1, 1580 and 1621; Adds R.S. 47:340(E)(4), 1436(B)(3), 1561.1(C), and 1623(G))

Sales Tax Exemption for Student Farmers (ACT 199)

New law provides for exemptions from sales and use tax for purchases of feed, seed, and fertilizer by student farmers.

New law defines student farmer as a person who is under the age of 23 and who is enrolled in FFA, 4-H, or a similar student agricultural program.

Effective August 1, 2019.

(Adds R.S. 47:302(BB)(110), 305.24, 321(P)(111), 321.1(I)(111), and 331(V)(111))

Sales Tax Exemption for Dealer's Inventory Vehicles (ACT 102)

Present law exempts from sales and use tax new trucks, new automobiles, new aircraft, and new boats, vessels, or other water craft withdrawn from stock by factory-authorized dealers, and used trucks and used automobiles withdrawn from stock by new or used motor vehicle dealers, for use as demonstrators from sales and use tax.

New law extends the exemption in present law to vehicles kept in a dealer's inventory in addition to those used as demonstrators.

Present law suspends numerous exemptions from the four levies of state sales and use tax (R.S. 47:302, 321, 321.1, and 331) through June 30, 2025, including the exemption for new trucks, new automobiles, new aircraft, and new boats, vessels, or other water craft used as demonstrators.

New law adds the exemption for new trucks, new automobiles, new aircraft, and new boats, vessels, or other water craft withdrawn from stock and used as demonstrators or kept in a dealer's inventory to the list of exemptions that are effective through June 30, 2025.

Effective July 1, 2019.

(Amends R.S. 47:305(D)(1)(i); Adds R.S. 47:302(BB)(110), 321(P)(111), 321.1(I)(111), and 331(V)(111))

Sales Tax Rebate For Certain Modified Vehicles (ACT 419)

New law authorizes a rebate of state and local sales and use tax paid for the purchase of a motor vehicle that has been or will be modified in accordance with a medical recommendation for a person who is permanently, orthopedically disabled at the time of the motor vehicle's purchase. Rebates may only be claimed after the vehicle modifications have been completed.

New law excludes from the rebate program, ambulances, travel trailers, or other vehicles not designed to transport people.

New law defines "orthopedically disabled" as a person who has permanent, limited movement of body extremities and loss of physical function which prevent the person from either operating or being transported in a motor vehicle that has not been especially modified.

New law provides that vehicle modifications that qualify for the rebate include wheelchair lifts, hoists, attached ramps, wheelchair hold-down clamps, special seat restraints, and the alteration of conventional brake, acceleration, or steering systems.

New law authorizes an individual or entity that purchases the vehicle on behalf of an orthopedically disabled person to claim the rebate on behalf of the disabled person including curators, estates, trusts, or tutors.

New law provides that the claiming of a rebate shall be made pursuant to a procedure established by the Dept. of Revenue (DOR) in administrative rules.

New law provides that a purchaser who requests a rebate shall submit the prescription or letter recommending modifications from a medical provider to the DOR. The department may require additional documentation evidencing the purchase of a vehicle and the modifications installed on the vehicle. New law further authorizes the DOR to submit any rebate claim to the Dept. of Health for review and guidance.

New law authorizes the payment of rebates from general sales tax collections.

Effective July 1, 2019.

(Adds R.S. 47:305.72; Repeals R.S. 47:305.69)

Lake Charles Civic Center Fund (ACT 27)

Present law authorizes the Lake Charles Civic Center Authority to issue bonds secured by and payable from the Lake Charles Civic Center Fund (the Fund).

New law moves the issuance authority from the Lake Charles Civic Center Authority to the city of Lake Charles.

Present law provides legislative approval for the issuance of bonds secured by and payable from the Fund.

New law clarifies that additional legislative approval otherwise required by R.S. 39:112(G) is not required for bonds issued that are payable from the Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:322.11(B))

Sales Tax on Raw Materials for Asphaltic Concrete (ACT 359)

New law requires, for purposes of determining the political subdivision entitled to local sales and use taxes to be paid for sales of raw materials converted into asphaltic concrete documented for ultimate use by the road contractor pursuant to a road material construction contract, as follows:

- (1) If the raw materials are purchased from a La. dealer and title or possession transfers to the road contractor at the dealer's place of business, sales tax is due in the taxing jurisdiction of the dealer.
- (2) If the raw materials are delivered to the road contractor and title or possession transfers at the road contractor's facility where the raw materials are converted into asphaltic concrete, the "retail sale" of the raw materials is deemed to occur where the asphaltic concrete is ultimately used by the contractor to fulfill the road material contract.
- (3) The exercise of any right or power over raw materials imported into a taxing jurisdiction for conversion into asphaltic concrete shall be deemed to be a "use" in the taxing jurisdiction in which the asphaltic concrete is ultimately used by

the road contractor to fulfill the road material contract.

New law prohibits local sales or use taxes from being due to the taxing jurisdiction where the road contractor converts the raw materials into asphaltic concrete unless any of the following occurs in the taxing jurisdiction:

- (1) The road contractor purchases raw materials from a dealer and title or possession transfers to the road contractor at the dealer's place of business in the taxing jurisdiction where the road contractor converts the raw materials into asphaltic concrete.
- (2) The asphaltic concrete is ultimately used by the road contractor to fulfill a road material contract in the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete.
- (3) The road contractor makes a taxable sale of asphaltic concrete to a third party such that title or possession, or both, transfers to the purchaser in the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:337.12.1)

Board of Tax Appeals (ACT 365)

Present law authorizes state courts to provide a legal remedy in cases where taxes are claimed to be an unlawful burden upon interstate commerce or when the collection of taxes violates any Act of Congress, the U.S. Constitution, or the Constitution of La.

New law extends this jurisdiction to the Board of Tax Appeals (the Board) to handle such cases. New law also authorizes state courts and the Board to provide a legal remedy for cases where taxes are claimed to be unconstitutional under

any provision of the U.S. Constitution or the Constitution of La.

Present law authorizes a court of competent jurisdiction to determine in an action for declaratory judgment the validity or applicability of a rule. New law additionally authorizes the Board to make such determination.

Present law provides for the jurisdiction of the Board over matters of appeals, waiver of penalties, rules, petitions, claims against the state, and incidental demands. New law extends the jurisdiction to include petitions for declaratory judgment related to the constitutionality of laws or ordinances, or the validity of a regulation concerning any matter relating to any state or local tax or fee not within the jurisdiction of the La. Tax Commission. New law extends jurisdiction to all matters related to state or local taxes or fees.

Present law includes collectors responsible for collecting local taxes where an action is appealable to the Board in the definition of local collector. New law amends the definition to include collectors responsible for collecting local fees and excludes actions appealable to the Board and tax matters within the jurisdiction of the La. Tax Commission.

Present law authorizes an aggrieved taxpayer to appeal to the Board for matters related to assessments or determinations of alleged overpayment. New law additionally authorizes aggrieved parties to petition the Board over petitions for declaratory judgment related to the constitutionality of laws or ordinances, or the validity of a regulation.

New law requires an action seeking the declaration that a new law is unconstitutional solely on the basis of noncompliance by the legislature shall be brought by declaratory action against the state and the presiding officers of the legislature in the 19th JDC with service being perfected upon the attorney general.

Present law grants the courts of appeal the exclusive jurisdiction over the decisions and judgments made by the Board. New law

additionally grants this appellate jurisdiction to the supreme court.

Old law stated that the Board of Tax Appeals has no jurisdiction to declare a statute or ordinance unconstitutional. The Board must order the case to be transferred to the proper district court venue, which will determine the constitutionality and then may order the case to be remanded back to the board. New law repeals old law.

Present law authorizes a collector to enforce the collection of taxes through an ordinary suit under provisions of law regulating actions for the enforcement of obligations.

New law provides that such suits shall be before the Board or any court of competent jurisdiction.

Effective Jan. 1, 2020, if the New amendment of Article VII, and addition of Article V, Section 35 of the Constitution of La. contained in the Act which originated as House Bill No. 428 of this 2019 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 47:337.45(A)(3), 337.63(C), 337.97, 1407(3), 1418(4)(b), 1435(A), (C), and (D), 1561(A)(3), and 1576(D); Adds R.S. 47:1407(6) and 1431(D); Repeals R.S. 47:1432(B))

St. Bernard Parish Hotel Tax (ACT 76)

New law authorizes the governing authority of St. Bernard Parish, subject to voter approval, to levy and collect a hotel occupancy tax, not to exceed \$3.00 per room per night.

New law requires that the tax be paid by the person who exercises or is entitled to occupancy of the hotel room at the time the rent or fee for occupancy is paid.

Effective July 1, 2019.

(Adds R.S. 47:338.220)

New Orleans Short Term Lodging Rental Tax (ACT 169)

New law authorizes the governing authority of the city of New Orleans, subject to voter approval, to levy and collect an occupancy tax on short term rentals. Such tax shall not exceed 6.75% of the rent or fee charged for such occupancy.

New law defines short term rental to mean rental of all or a portion of a residential dwelling for lodging purposes for a period of less than 30 days.

New law requires that the tax be paid by the person who exercises or is entitled to occupancy of the short term rental at the time the rent or fee for occupancy is paid.

New law requires that an amount equal to 25% of the tax proceeds be allocated, pursuant to a cooperative endeavor agreement, to New Orleans & Company to promote tourism and an amount equal to 75% of the tax proceeds be dedicated to the infrastructure fund of the city.

Effective July 1, 2019.

(Adds R.S. 47:338.220)

Sales Tax on Antique Motor Vehicles (ACT 364)

New law establishes an exemption from state and local taxes on antique motor vehicles that are not for commercial use and valued in excess of \$10,000.

New law increases the license plate fee from \$25 to \$1,000 for an antique vehicle valued in excess of \$10,000 that is eligible for the sales and use tax exemption in new law.

New law defines "antique motor vehicle" as a vehicle manufactured at least 25 years ago that is not used for commercial purposes and is valued in excess of \$10,000.

Effective July 1, 2019, and applicable to sales of antique motor vehicles beginning on and after July 1, 2019.

(Amends R.S. 47:463.8; Adds R.S. 47:337.9(D)(34) and 6040)

Special Prestige License Plates (ACTs 6, 15, 18, 65, 71, 72, 213, and 380)

New laws create various new special prestige license plates.

(Amends R.S. 47:463.73(G) and 463.88(C) and (D); Adds R.S. 47:463.202)

Fund Transfers (ACT 362)

New law provides for numerous transfers of funds between various public funds, both presently and in the future, including:

New law transfers 25% of the FY 2018 surplus (\$77,013,301) to the Budget Stabilization Fund.

New law transfers \$55,000,000 of state general fund from the FY 2018 surplus into the Coastal Protection and Restoration Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:481 and R.S. 48:196 and 197; Adds R.S. 48:25.2)

Office of Motor Vehicles (Act 333)

New law requires the assistant secretary of the OMV, not later than October 1, 2020, to establish, operate, and maintain motor carrier, commercial motor vehicle, or driver information systems and data analysis programs to support safety regulatory and enforcement activities which comply with the information systems established and operated by the secretary of the United States Department of Transportation pursuant to 49 U.S.C. 31106.

New law provides that the failure of an applicant for registration of a commercial motor vehicle to provide information required by the registrar on the application or to provide required support documentation shall be grounds for denial of the application for registration.

New law provides that the assistant secretary may suspend, revoke, or refuse to issue or renew the registration, registration card, registration plate, or permit of a commercial motor vehicle if the commercial motor carrier responsible for safety has been prohibited from operating by a federal agency.

Effective August 1, 2019.

(Adds R.S. 47:511.4)

Toll Collection (Act 361)

Present law authorizes the La. Transportation Authority (LTA) and the Dept. of Transportation and Development (DOTD) to impose and collect tolls, and exercise as much police power as necessary to maintain the peace and accomplish the orderly handling of authority.

New law extends this toll collection authority to all state-owned toll facilities and allows DOTD and LTA to delegate this authority to any private entity acting on their behalf in the operation of a toll facility.

Present law defines "pay" as paying a toll by cash, by permitting a charge against a valid toll-tag account with the LTA, or by another means of payment approved by the LTA. New law adds DOTD as an entity within which a person may have a toll-tag account or approve another means of paying a toll.

Present law defines "toll" or "tolls" as tolls, fees, or charges as imposed, revised, and adjusted from time to time by the LTA. New law adds DOTD or a private entity acting on its behalf as an entity that may impose, revise, or adjust tolls, fees, or charges from time to time.

Present law defines "toll tag" as an electronic device that the LTA issues for use with the ETC on the LA 1 Project. New law adds DOTD as an entity that can issue a toll tag. New law further modifies present law by expanding the usage of toll tags to any state-owned toll facility.

Present law defines a "valid toll-tag account" as an existing toll-tag account with the LTA with a

balance of not less than fifty cents. New law adds DOTD as an entity within which a person can have a valid toll-tag account.

Old law prohibited motor vehicles or trailers being towed from being driven or towed through the toll collection facility of the LA 1 Project without payment of the proper toll. New law extends the prohibition to any state-owned toll and removes the LA 1 Project from present law.

Present law provides that in the event of nonpayment of a proper toll, the registered owner of such vehicle or trailer is liable to make prompt payment to the LTA of the proper toll and in certain circumstances, an administrative fee of \$25 dollars to recover the cost of collecting the toll. New law adds DOTD as an entity to which prompt payment of the proper toll may be made.

New law provides that in the event that toll enforcement on future state-owned toll facilities is conducted by a private entity, the violator will be subject to the administrative fee assessed by the private entity.

Present law provides procedures for the collection of tolls, administrative fees, and late charges under present law by the LTA.

New law allows the procedures in present law to apply to the entity operating the toll, whether it is the LTA, DOTD, or a private entity.

Present law provides the LTA with options for administering late charges or sanctions, or both, for persons who fail to comply with the requirements of present law.

New law expands this authority to the operating entity of any state-owned toll facility.

Present law provides that a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring device is admissible in a proceeding to collect a toll or other charge of the LTA, to collect criminal penalties imposed, or to impose criminal liability for failure to pay the toll or charge.

New law modifies present law expanding this authority to the operating entity of any state-owned toll facility.

(Amends R.S. 47:820.5.4)

Excise Tax on Retail Sale of CBD Products (Act 247)

New law levies an excise tax on the sale of industrial hemp-derived CBD products by a retailer to a consumer at the rate of 3% based on the retail sales price of these products, in addition to other taxes, including state and local sales and use taxes.

CBD products that have been approved by the U.S. Food and Drug Administration (FDA) as prescription medications and products that have been recommended for therapeutic use are excluded from the excise tax levied in new law.

New law defines "CBD" as cannabidiol.

New law defines "industrial hemp" as any part of the plant *Cannabis sativa*, including the seeds and all derivatives, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis and cultivated and processed in accordance with federal law or rules. Industrial hemp does not include plants that meet the definition of marijuana.

New law defines an "industrial hemp-derived CBD product" as any industrial hemp-derived product that contains CBD and is intended for consumption or topical use.

New law requires retailers to use Dept. of Revenue (DOR) prescribed forms to report the excise tax monthly and to pay the tax on or before the 20th day of the month following the month in which the tax is applicable.

New law authorizes DOR to collect, supervise, and enforce the collection of taxes, penalties, and interest related to the excise tax.

New law dedicates the avails of the excise tax levied on industrial hemp to the Early Childhood Education Fund.

Effective if and when House Bill No. 579 of this 2019 R.S. is enacted and becomes effective. (Applicable for all tax periods beginning on or after Jan. 1, 2020.)

(Adds R.S. 47:1692 through 1696)

New Orleans Homestead Exemption Audits (ACT 385)

Present constitution authorizes the imposition of ad valorem property taxes on property within La. but establishes an exemption from state, parish, and special ad valorem property taxes for the bona fide homestead of the property owner for the first \$7,500 of the property's assessed value.

New law authorizes the city of New Orleans to establish a homestead exemption audit program for property located in the city to determine if the property is subject to more than one homestead exemption or if property owners are claiming a homestead exemption on more than one property.

New law requires provisions governing the execution, administration, and enforcement of the audit program and collections made pursuant to the program to be established through the promulgation of rules.

New law authorizes the city to impose a fee not to exceed 10% of the total amount of taxes, penalties, and interest owed by a taxpayer through collections made pursuant to the program to be collected by the tax collector, and remitted to the city.

New law authorizes the city to employ and enter into contracts with experts to assist in program execution and enforcement; however, the total fees paid pursuant to the contracts cannot exceed the total fees collected by the city.

(Adds R.S. 47:1704)

New Orleans Affordable Housing Property Tax Exemption (ACT 407)

New law authorizes the city of New Orleans to grant any owner of immovable property located within Orleans Parish an ad valorem tax exemption for the purpose of affordable housing.

New law authorizes the New Orleans Office of Community Development, or its designee, in conjunction with the New Orleans City Council, to promulgate rules for determining the nature and amount of the ad valorem tax exemption and provides that the rules shall be approved by the council.

New law authorizes rules to include programs to complement local inclusionary zoning policies and programs that assist with new construction or renovation of affordable units, expiring affordability of existing units, and programs to assist lower income homeowners.

New law provides that property subject to an ad valorem tax exemption for affordable housing remain on the assessment rolls with the tax amount as determined by the exemption.

New law provides that ad valorem tax exemptions granted by the city of New Orleans are transferable only if a transfer is provided for in the rules adopted by the New Orleans Office of Community Development or if the new owner is similarly situated.

New law provides that the rules addressing the nature and amount of permissible ad valorem tax exemptions shall be finalized before any ad valorem exemption can be granted.

New law requires publication of the proposed rules in the official journal of the parish for not less than 30 days before the rules become effective.

New law requires at least one public hearing during the 30-day publication period.

New law requires the New Orleans City Planning Commission to review the proposed rules and

make recommendations regarding the proposed rules during the 30-day publication period.

Effective if and when the proposed addition of Article VII, Section 21(O) of the Constitution of Louisiana contained in the Act which originated as SB 79 of the 2019 RS is adopted at the statewide election to be held on October 12, 2019, and becomes effective.

(Adds R.S. 47:1716)

Assessors' Retirement Fund (ACT 25)

Present law provides with respect to eligibility for normal retirement benefits from the Assessors' Retirement Fund, which benefits include the payment of certain types of insurance premiums.

Present law provides additional normal retirement eligibility requirements for retirees from the assessors' offices in numerous parishes.

New law adds Caddo parish to the list of parishes with the additional normal retirement eligibility requirements.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:1923(D)(1)(a))

Property Tax Exemption for Articles Stored for Maintenance or for Export to OCS (ACT 432)

Present law and present constitution provides for the exemption of ad valorem taxation on raw materials, goods, commodities, and other articles held in La. for the purpose of being exported from this state to a point outside the continental U.S. Present law regards these items as severed from the mass property of this state from the time they are loaded for export.

New law defines "held in this state for the purposes of being exported" to include those held for maintenance or exportation to the Outer Continental Shelf.

Present law provides for the storage of raw materials, goods, commodities, and other articles on certain property, including warehouses.

New law adds that raw materials, goods, commodities, and other articles may be stored in public and private warehouses.

Present law provides for the exemption of ad valorem taxation on goods, commodities, and personal property stored in transit in Louisiana while moving through interstate commerce for the purpose of being shipped from this state to a point outside the state. Present law provides that these items shall not be treated as property of this state during the time the property is stored.

New law defines "stored in transit in this state" to include those goods, commodities, and personal property stored for maintenance or shipped to the Outer Continental Shelf.

Effective Dec. 1, 2019.

(Amends R.S. 47:1951.2 and 1951.3)

Tax Sales (ACT 384)

Present law provides that the sale of property for nonpayment of taxes is an action that affects a property right protected by the Fourteenth Amendment of the U.S. Constitution and the state constitution.

Present law requires a tax collector to give a debtor notice by mail or other means to ensure the debtor has been notified of the tax delinquency and tax sale prior to the tax sale, and requires that when a debtor does not receive actual notice of the tax sale, the tax collector must attempt to provide notice to the debtor prior to the tax sale.

New law retains present law and requires a tax collector to demonstrate a reasonable and diligent effort to provide notice of the tax sale by attempting to deliver the notice by first class mail to the last known address of the debtor and that the tax collector take any two of the following additional steps to notify the debtor:

- (1) Perform a computer search of clerk of court or sheriff's office digitized records and databases for other addresses for the debtor.
- (2) Contact the tax assessor for the addresses of other properties that may be owned by the tax debtor.
- (3) Examine mortgage or conveyance records to determine if there are other transactions pertaining to the property.
- (4) Attempt personal or domiciliary service of the notice.
- (5) Post the notice of tax sale at the property.

New law authorizes the tax collector to recover all reasonable and customary costs incurred in complying with new law.

New law provides that the validity of a tax sale shall not be affected if a tax collector demonstrates reasonable and diligent efforts to provide notice to the debtor, regardless if the debtor receives actual notice.

(Adds 47:2153(A)(1)(c))

Restoration Tax Abatement Program (ACT 251)

Present law authorizes the Restoration Tax Abatement program which allows owners of commercial structures or an owner-occupied residence in a downtown, historic, or economic development district who expand, restore, improve, or develop eligible property to pay ad valorem taxes for five years based on the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement, or development.

New law adds structures within opportunity zones established pursuant to federal law and federal regulations to the types of property eligible to participate in the Restoration Tax Abatement program.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:4312(3); Adds R.S. 47:4315(A)(6))

Tax Credits For Qualified Music Companies (ACT 363)

Present law authorizes a state income tax credit for investments made in state-certified productions until July 1, 2021. The tax credit shall be earned by investors at the time expenditures are certified by the Dept. of Economic Development (DED) according to the total base investment certified for the sound recording production company per calendar year. The aggregate amount of credits that can be certified each year is limited to \$2,160,000; however, 50% of the credits certified each year are reserved for Qualified Music Companies (QMCs).

Present law provides that the amount of the credit for each investor for state-certified productions received on or after July 1, 2017, is 18% of the base investment made by that investor in excess of \$25,000 or, if a resident of this state, in excess of \$10,000.

Present law provides for the following additional tax credits for state-certified productions:

- (1) QMC Tier 1 payroll credit of 10% for each new job with a salary of \$35,000 through \$66,000 per year.
- (2) QMC Tier 2 payroll credit of 15% for each new job with a salary of \$66,000 or more.

New law adds an additional 10% increase in the base investment credit if the base investment is expended by a QMC on a sound recording production of a resident copyright. New law defines a "resident copyright" as a copyright of a musical composition written by a La. resident or owned by a La. domiciled music company as evidenced by documents of ownership such as registrations with the U.S. Copyright Office or

performing rights organizations which denote authors and music publishing entities.

Old law sets forth criteria a company must meet in order to be eligible for the QMC payroll credit, including that the business be engaged directly or indirectly in the production, distribution, and promotion of music, that the business create a minimum of three new jobs meeting or exceeding the Tier 1 minimum wage requirements, and that the business be a music publisher, sound recording studio, booking agent, or artist management.

New law extends eligibility for the QMC payroll credit to applications that were submitted but that have not received final certification by July 1, 2019, and repeals the requirement that the business be a music publisher, sound recording studio, booking agent, or artist management in order to qualify for the QMC payroll.

Old law prohibited the application of tax credits from reducing the investor's income tax liability below 50% prior to application of the credit, and authorized the investor to carry forward unused tax credits for up to five years.

New law deletes the limitation on the amount of credit that may be used in any taxable year and converts the tax credit to a refundable tax credit (wherein the amount of the tax credit which exceeds the taxpayer's liability is refunded to the taxpayer).

New law requires the secretary of the Dept. of Revenue to make refunds from the current income and corporate franchise tax collections.

Present law prohibits credits from being granted for applications received on or after July 1, 2021. New law extends the credit from July 1, 2021, to July 1, 2026.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:6023)

TITLE 48: ROADS, BRIDGES AND FERRIES

New Orleans Ferry Fund (ACT 163)

New law re-establishes the New Orleans Ferry Fund, which expired on July 1, 2018, and requires the state treasurer, after making the allocation from state highway fund No. 2 for the Greater New Orleans Expressway Commission, to deposit into the fund an amount equal to the total of all funds derived from registration and license fees and taxes on trucks and trailers which are collected in Orleans Parish, to DOTD for operation of the Chalmette ferry.

Effective July 1, 2019.

(Enacts R.S. 48:25.2)

State Highway System (ACT 375)

Present law provides that the system of state highways must consist of 12 functional classifications divided into two categories: Urban and Rural.

New law increases the amount of classifications from 12 to 14 by adding Urban-minor to the Urban classification and Rural-principal arterial-other freeways and expressways to the Rural classification.

(Amends R.S. 48:191 and 228)

Public – Private Partnership Agreements (ACT 358)

Present law requires that the comprehensive agreement for public-private partnership projects incorporate the duties of the private entity and authorizes the agreement to contain other terms and conditions that the authority and responsible public entity determine serve the public purpose.

New law adds that the comprehensive agreement may contain provisions under which the authority may retain liability for damages arising out of injuries or property damage to third parties, in the event that the qualifying transportation facility, or

portions thereof, are determined to be uninsurable for such damages.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 48:250.4(A) and 2084.6(D))

High Occupancy Vehicle (HOV) Lanes (ACT 81)

New law authorizes the secretary of DOTD or his designee to designate a high occupancy vehicle (HOV) lane on any highway in the state highway system, where adequate shoulders exist, and may restrict the use thereof to vehicular traffic classified as a "high occupancy vehicle (HOV)" to the extent he thinks it expedient that, in his judgment, is appropriate to provide travel time savings and to increase the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion.

New law specifies that the secretary or his designee is not authorized to designate an existing roadway or travel lane as a high occupancy vehicle (HOV) lane.

New law defines a "high occupancy vehicle" to mean a passenger car, pickup truck, van, recreational vehicle, or a bus or other motorized passenger vehicle used for transporting persons (such as a carpool or a vanpool vehicle used for ridesharing purposes) and occupied by a driver and one or more passengers, excluding a truck, tandem truck, tractor, truck-tractor, combination of vehicles, or commercial motor vehicle carrying or transporting freight, merchandise, or other property.

New law defines a "high occupancy vehicle (HOV) lane" to mean one or more lanes of a highway or an entire highway designated by traffic control devices where high occupancy vehicles are given at all times, or at regularly scheduled times, a priority or preference over some or all other vehicles moving in the general stream of all highway traffic.

New law provides that HOV lanes may be used by a motorcycle regardless of the number of riders or passengers.

Effective August 1, 2019.

(Adds R.S. 48:345)

Rail Infrastructure Improvement Program (ACT 222)

New law renames the Freight Railroad Intermodal Grant Program to the Rail Infrastructure Improvement Program.

Present law provides that the program is made available for intermodal needs of state freight rail services.

New law modifies present law to make the program available for rail improvement needs to maintain efficient rail service on the rail network and implement recommendations in the Louisiana Freight Mobility Plan and State Rail Plan.

New law provides that eligible projects include but are not be limited to the following: (1) track, equipment, signaling, and right-of-way acquisition and preservation; (2) rail line relocation and improvement; (3) multimodal connector enhancements and supporting facilities; (4) highway-rail grade crossing and associated equipment improvements; and (5) planning, engineering, and design for selected projects.

Present law provides that funding is subject to, but not limited to, the following: (1) the availability of funds; (2) a comparative needs analysis of requested projects as determined by the department; (3) demonstrable public benefits to be achieved by the project; and (4) a 50% match provided from other sources by the successful candidate for a project.

New law modifies present law by requiring the match be a minimum of 50% from sources other than the Transportation Trust Fund (TTF).

Present law provides that the grant program must be implemented no later than January 1, 1998, and continue for a period of 10 years after the date of implementation. New law repeals present law.

Present law provides that no TTF monies may be used for this program. New law repeals present law and provides that TTF monies, other than funds deposited in the Construction Subfund, may be used subject to annual appropriations as the department's share for a project under this program. New law provides that non-TTF monies may be utilized and appropriated under this program.

New law authorizes the Dept. to compete for, receive, accept, administer, and manage federal and other funds in furtherance of new law.

Present law requires the department to promulgate rules on: (1) project submission; (2) project evaluation, including but not limited to financial feasibility, benefit/cost analysis, and economic impact; (3) program administration; (4) prioritization of projects; and (5) distribution of funding.

New law modifies present law by removing financial feasibility, benefit/cost analysis, economic impact, and prioritization of projects.

New law requires the department to submit to the Joint Committee on Transportation, Highways, and Public Works a prioritized list of projects for the ensuing fiscal year and a list of projects proposed to be commenced within the ensuing four years.

(Amends R.S. 48:388.1)

Regional Transit Authority (ACT 264)

Present law provides that all permanent employees of the RTA shall be classified employees in the state civil service system and as such shall be eligible to participate in the Louisiana State Employees' Retirement System (LASERS).

New law defines "management class" or "class of position" as a definitely recognized kind of

employment designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualifications requirements that they can fairly and equitably be treated alike under like conditions for all personnel purposes in which the primary duty or responsibility is policy, planning, accounting, administration, clerical, grants management compliance, engineering, finance, security and technology.

New law retains present law for all permanent employees except those that fall under the management class hired on or before June 30, 2019.

New law provides that the RTA shall not be considered to be an instrumentality of the state for purposes of Article X, Section 1(A), which establishes the state civil service.

New law provides that no employee that falls under the management class of the authority, hired on or after July 1, 2019, shall be included in the state civil service system or LASERS.

New law requires the RTA to remit that portion of LASERS' unfunded accrued liability existing on June 30, 2019, attributable to the RTA. New law provides that the amount due shall be determined by the actuary employed by LASERS and shall be amortized over ten years.

Present law specifies that, except as provided in present law, all personnel of the RTA shall be employed in accordance with the constitutional provisions and rules and regulations pertaining to the state classified service. New law retains present law.

Old law provides that full-time employees of the RTA shall be eligible to participate in LASERS. New law deletes old law.

Effective June 30, 2019.

(Amends R.S. 48:1653, 1655 and 1656; adds R.S. 48:1653(23))

TITLE 49: STATE ADMINISTRATION

Building Naming (ACT 429)

New law provides that the state building generally known as the La. Supreme Court Building shall be renamed to the "Chief Justice Pascal F. Calogero, Jr. Courthouse".

(Adds R.S. 49:149.25.1)

Coastal Protection and Restoration Authority Board (ACT 441)

New law changes the membership qualifications for the Board.

Effective on January 13, 2020.

(Amends R.S. 49:214.5.1)

Small Business Protection Act (ACT 204)

Prior law provided that, prior to the adoption, amendment, or repeal of any rule or regulation by a state agency, the agency will notify the public of the change by sending a notice of intent to make the rule or regulation change to the office of the state register for publication in the La. Register.

Prior law provided for the Regulatory Flexibility Act, which required state agencies to conduct a review of each proposed rule or regulation change and to prepare an economic impact statement and a regulatory flexibility analysis as it relates to the impact that the proposed rule would have on small businesses prior to sending the proposed rule or regulation change to the office of the state register for publication in the La. Register.

New law retains prior law but changes the name of the Act from the Regulatory Flexibility Act to the Small Business Protection Act.

Prior law provided that prior to the adoption of any proposed rule that may have an adverse impact on small businesses, each agency shall prepare an economic impact statement that identifies an estimate of the number of the small

businesses subject to the proposed rule, the costs of compliance, the probable effect on impacted small businesses, and a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

New law requires that the economic impact statement be filed with the office of the state register for publication in the La. Register along with the notice of intent to implement the new regulation.

Prior law provided that, prior to the adoption of any proposed rule, each agency shall prepare a regulatory flexibility analysis in which the agency will consider utilizing regulatory methods for small businesses that establish less stringent compliance or reporting requirements, establish less stringent deadlines for compliance, consolidate or simplify the reporting requirements, establish performance standards to replace operational standards required in the proposed rule, and exempt small businesses from all or any part of the requirements contained in the proposed rule.

New law requires that the regulatory flexibility analysis be filed with the office of the state register for publication in the La. Register along with the notice of intent to implement the new regulation.

New law defines "potpourri notice" to mean a notice sent by an agency to the office of the state register announcing that the agency may implement a future regulation change and that the agency is seeking public comment and will conduct a public hearing, if one is requested, prior to officially proposing the regulation change.

New law provides that, when an agency determines in its own judgment that the input of small businesses and the public would serve the interest of small business or the public, the agency may issue a potpourri notice. New law provides that the potpourri notice will be filed with the office of the state register for publication in the La. Register.

Prior law required that, when an agency intends to adopt, amend, or repeal any rule or regulation,

the notice of intent which is filed with the office of the state register for publication in the La. Register shall include a fiscal impact statement approved by the legislative fiscal office indicating that the proposed rule or regulation change would not result in any increase in the expenditure of state funds, unless at least one of the following occurs:

- (1) The proposed rule or regulation is adopted as an emergency rule pursuant to the requirements of prior law.
- (2) The legislature has specifically appropriated the monies necessary for the expenditures associated with the intended rule or regulation change.

New law requires that the fiscal impact statement be summarized by the agency as to the estimated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups and that the summary shall be published in the La. Register.

New law requires that, no later than the 10th day of the month, the office of the state register shall electronically transmit all of the small business economic impact statements, the small business regulatory flexibility analyses, and the fiscal impact statement approved by the legislative fiscal office to the secretary of state's commercial division.

New law provides that, if the agency has filed a potpourri notice, that the notice will also be sent to the secretary of state's commercial division.

New law provides that, upon receiving the electronic transfer of information from the office of the state register, the secretary of state's commercial division will do all of the following:

- (1) On the 15th day of the month, post the information on the commercial division's internet page under the heading of "proposed state rules and regulations that may affect your business."
- (2) No later than the 16th day of the month, electronically transfer the information to

the Louisiana Association of Business and Industry and the Louisiana Chapter of the National Federation of Independent Business, and to each person who has made a timely request of the department for such notices.

New law provides that the secretary of state shall designate a small business advocate from the existing staff of the secretary of state's commercial division to implement and maintain the notification duties and functions pursuant to new law and to administer the Small Business Protection Act.

Effective February 1, 2020.

(Amends R.S. 49:953, 965.2, 965.3, 965.4, 965.5, 965.6, 965.7, and 965.8; adds R.S. 49:965.9)

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

Unfair Trade Practices Against Elderly or Disabled Persons by Phone, Email, or Texting (ACT 14)

New law defines telephone to include cellular phones and provides definitions for electronic mail and text messaging.

New law provides for an increased potential for damages when a prohibited unfair or deceptive act was knowingly committed against an elder person or person with a disability using a telephone, electronic mail, or text messaging.

New law provides that no telephone, electronic mail, internet, cable, or other telecommunications service provider shall be liable for any violation of new law.

(Adds R.S. 51:1409.1)

Cybersecurity (ACT 187)

New law creates the Louisiana Cybersecurity Information Sharing Act (Act).

New law provides that the purpose of this Act is to provide a framework for sharing cybersecurity information under Louisiana law that is consistent with federal law.

New law provides that the phrases "cyber threat indicator" and "defensive measure information" have the meaning ascribed to them in federal law (6 U.S.C. §1501 et seq.).

New law provides that when sharing a cyber threat indicator or defensive measure information, each natural or juridical person or public or private entity shall receive the legal protections and privileges conveyed by the federal Cybersecurity Information Sharing Act of 2015 (6 U.S.C. §1501 et seq.) and as provided in new law.

New law provides that sharing a cyber threat indicator or defensive measure information does not constitute a waiver of any applicable privilege or protection provided in the Louisiana Code of Evidence.

New law provides that the following entities are authorized, in addition to those entities identified in federal law, to receive cyber threat indicators and defensive measure information through electronic mail transmission:

- (1) The Department of Justice, office of the attorney general, La. Bureau of Investigation.
- (2) The Department of Public Safety and Corrections, office of state police, La. State Analytical and Fusion Exchange.
- (3) The Governor's Office of Homeland Security and Emergency Preparedness.

New law provides that when a natural person or private or public entity is conveying a cyber threat indicator or defensive measure information by electronic mail, the natural person or public or private entity shall indicate this by populating "Cyber Threat Indicator" or "Cyber Defensive Measure" in the subject line of the electronic mail.

New law does not relieve a person or entity from requirements for compliance with the Database Security Breach Notification Law, R. S. 51:3071 et seq., specifically including but not limited to, the requirements involving protection of personal information and breach disclosures in such law.

New law provides that no state entity that receives cybersecurity information pursuant to new law shall be subject to the reporting requirements of the federal Cybersecurity Information Sharing Act of 2015.

Effective August 1, 2019.

(Adds R.S. 51:2101-2109)

Major Events Incentive Program (ACT 233)

New law adds any National Collegiate Athletic Association conference, convention, or conference media event to the definition of a "qualified event" or "qualified major event" relative to the Major Events Incentive Program.

(Amends R.S. 51:2365.1(A)(5))

Veterans First Business Initiative (ACT 160)

New law creates The Veterans First Business Initiative to be administered by La. Economic Development (LED) to certify a business as veteran-owned.

New law envisions cooperation among LED, the La. Department of Veterans Affairs (LDVA), local chambers of commerce, regional economic development organizations, and local economic development organizations throughout the state to promote veteran-owned businesses.

New law requires LED to create the application and certification process, and create and maintain a database of veteran-owned businesses which is searchable on its website.

New law requires the creation of an insignia which will identify a business as being certified as veteran-owned.

New law requires the cooperation of LED and LDVA in order to confirm veteran status and promote the program.

New law requires LED to cooperate with LDVA and local and regional economic development organizations and chambers of commerce in order to promote the initiative and veteran-owned businesses.

(Adds R.S. 51:3201-3208)

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES

Fishing Licenses and Veterans (ACT 293)

Present law defines "bona fide resident" for purposes of purchasing a license for hunting or recreational fishing activities, where such license does not authorize any commercial activity, to mean a person who is a U.S. citizen or resident alien and has resided in this state continuously during the six months immediately prior to the date on which he applies for any such license, and who has manifested his intent to remain in this state by establishing La. as his legal domicile.

New law includes under the definition of "bona fide resident" for these purposes any person who served in and was honorably discharged from the U.S. armed forces or a reserve component of the U.S. armed forces, including the National Guard, and who possesses a La. driver's license or a special identification card issued by the Dept. of

Public Safety and Corrections in lieu of a driver's license.

(Amends R.S. 56:8(16)(b))

Taking of Outlaw Quadrupeds (ACT 53)

Present law prohibits the taking of wild quadrupeds, including outlaw quadrupeds (coyotes, armadillos, and feral hogs), with an automatic loading or hand operated repeating shotgun capable of holding more than three shells.

New law authorizes the taking of outlaw quadrupeds with an automatic loading or hand operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition on private property.

New law authorizes the taking of outlaw quadrupeds while riding or standing in or upon a moving land vehicle on private property.

Effective August 1, 2019.

(Amends R.S. 56:116.1)

Alligator Hunting Licenses (ACT 305)

Present law requires possession of an alligator hunting license prior to hunting alligators, and provides for a license for an additional fee to allow one resident assistant to accompany the alligator hunter. The assistant is not required to have an alligator hunting license but may not have an alligator tag or tagged alligator outside the presence of the licensed alligator hunter.

New law applies these same requirements to everyone "taking" alligators.

New law eliminates the option of an additional license for an assistant to a licensed alligator hunter.

(Amends R.S. 56:251(A)(2)(a)(i); Repeals R.S. 56:251(A)(2)(a)(ii))

Crab Fishing (Act 74)

New law prohibits the taking of immature female crabs.

New law limits the incidental take of immature female crabs to not more than five percent.

Present law provides that most crab fishing violations are class four violations punishable by fines or jail or both.

Present law provides forfeiture of anything seized in connection with the violation.

New law adds to the class four punishments various enhancements for theft of crab traps or crabs from within a trap, including suspension of crab trap gear license for a period; various hours of community service; and mandatory use of an approved vessel monitoring system (VMS) on any vessel used by the violator for a specified suspension period.

New law adds to the class four punishments various similar enhancements for violations other than theft of crab traps or crabs from within a trap.

(Amends R.S. 56:332)

Crab Trap Design (Act 48)

Present law requires each crab trap to have a minimum of three escape rings and be placed on the vertical, outside walls flush with the trap floor or baffle, with at least two rings located in the upper chamber.

New law requires a minimum of two escape rings be located in the upper chamber flush with the baffle and requires a minimum of one escape ring be located in the lower chamber no greater than one mesh length from the trap floor.

New law requires all escape rings be located no greater than one mesh length from the corners, beginning on July 1, 2022.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 56:332(K))

Oyster Harvesting Permit Costs (Act 144)

Present law requires a permit for a person to take oysters for commercial purposes from the public natural reefs or oyster seed grounds or reservations.

Present law provides that the cost of the annual permit for use of a single scraper is \$250 for a resident and \$1,000 for a nonresident, and the cost of the permit for use of a double scraper is \$500 for a resident and \$2,000 for a nonresident.

New law permits the use of tongs or harvesting by hand under the cost of a permit for use of a single scraper.

New law provides that the permit granted for a double scraper also permits the use of any legal means of harvest.

(Amends R.S. 56:433.1(A)(1))