

2020 LOUISIANA

LEGISLATIVE ACTS

SUMMARY SUPPLEMENT

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Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in the Second Extraordinary Session of 2020, 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, are often quite brief. 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 appendix includes a very brief summary of all of the Acts passed in the 2020 Second Extraordinary Session 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.

Effective Dates of Acts

Under La. Const. Art. 3, Section 19, except as may be otherwise specified in an act itself, (1) 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 (2) all laws enacted during an *extraordinary session* of the legislature take effect on the 60th day after final adjournment of the extraordinary session. The final adjournment of the 2020 *2nd Extraordinary Session* occurred on October 23, 2020; the 60th day after that is *December 22, 2020*.

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 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, 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.

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Appendix: Very brief summaries of Acts of the 2020 Second Extraordinary Session in Act number order

CONSTITUTION

Out-of-State School Board Members (ACT 10)

Present constitution provides that the Bd. of Supervisors for the University of La. System and the Bds. of Supervisors of La. State University Agricultural and Mechanical College and the Southern University and Agricultural and Mechanical College are composed of 15 members; two members are appointed by the governor from each congressional district and the remaining member or members from the state at large.

Present constitution provides that the Bd. of Supervisors of Community and Technical Colleges is composed of 15 members appointed by the governor as provided by law. Of those members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large.

Proposed constitutional amendment provides that when there is more than one at-large member of any such board, at least one at-large member shall be a resident of the state, and upon recommendation of the board, the governor may appoint persons who reside out-of-state as the remaining at-large member or members.

The proposed amendment is to be submitted to the voters at the statewide election to be held on December 5, 2020.

(Amends Const. Art. VIII, Sec. 6(B)(1), 7(B)(1), and 7.1(B)(1))

CIVIL CODE

CODE OF CIVIL PROCEDURE

CODE OF CRIMINAL PROCEDURE

CODE OF EVIDENCE

CHILDREN'S CODE

MULTIPLE CODES AND TITLES

UNCODIFIED

Transfer or Lease of State Property (ACT 12)

New law authorizes the transfer or lease of certain state property in Jackson Parish from the division of administration and the Dept. of Children and Family Services to the Jackson Parish Sheriff's Office. New law provides for the reservation of mineral rights to the state.

New law repeals prior law that authorized the transfer or lease of the same property to the Jackson Parish Police Jury.

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

Money for Levee Improvements in North Lafourche (ACT 15)

New law appropriates \$3,000,000 in supplemental funding for the Coastal Protection and Restoration Authority from the State General Fund (Direct) Non-Recurring Revenues for FY 2020-2021 for capital expenditures for levee improvements in the North Lafourche Conservation and Levee Drainage District.

New law repeals appropriation to the North Lafourche Conservation and Levee Drainage District contained in Act 2 of the 2020 First Extraordinary Session of the Legislature.

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

Appropriation of Supplemental Funding (ACT 45)

New law appropriates supplemental funding and provides for means of financing substitutions and other budgetary adjustments for Fiscal Year 2020-2021.

New law provides for net increases (decreases) as follows: State General Fund (Direct) by \$7,657,446; Interagency Transfers by \$9,950,246; Statutory Dedications by \$7,200,246; and Federal Funds by \$26,650,440.

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

TITLE 1: GENERAL PROVISIONS

TITLE 2: AERONAUTICS

TITLE 3: AGRICULTURE AND FORESTRY

Agricultural Workforce Development Program (ACT 23)

New law creates the La. Agricultural Workforce Development Program within La. Dept. of Agriculture and Forestry (LDAF), administered and supervised by La. Agricultural Finance Authority (LAFA), to incentivize the creation and employment of internships by agricultural businesses in the state.

New law provides authority to LAFA to establish, administer, and supervise programs to promote agricultural workforce development within the state.

New law provides for definitions of terms:

- (1) "Agricultural business" means an agricultural producer, or a person or legal entity who engages in agriculture or provides support activities, products, or services to an agricultural producer and

such products or services that are directly related to the planting, growing, production, harvesting, or processing of La. agricultural products.

- (2) "Director" means the director of LAFA.
- (3) "Immediate family member" means the spouse, parent, sibling, or child of the owner, manager, chief executive officer or president of an agricultural business; a person to whom the owner, manager, chief executive officer, or president stands as legal guardian or tutor; or any other person living in the household of the owner, manager, chief executive officer, or president of an agricultural business by blood or marriage.
- (4) "Intern" means an individual who is a student enrolled at a La. secondary or post-secondary institution, or a young and beginning farmer or rancher employed by an agricultural business pursuant to the program.

New law requires LAFA, in consultation with the Commissioner of Agriculture and Forestry, to promulgate rules and regulations under the APA addressing numerous topics and criteria.

New law authorizes LAFA to reimburse, subject to legislative appropriations, participating businesses in an amount not to exceed 50% of the actual cost to the business.

New law defines "actual cost" as the wages paid to an intern, reasonable allocation of fixed overhead expenses, and all incidental costs directly related to the internship.

New law requires the director of LAFA, in consultation with the commissioner and subject to the total amount appropriated for the program by the legislature, to determine the total number of internships that may be approved, the amount of reimbursement per internship, and whether a business may be reimbursed for more than one internship in a fiscal year. New law caps the total number of internships a single business can be reimbursed at three per year.

New law requires the department to submit an annual report by Aug. 31st of each year to the appropriate legislative oversight committees detailing the effectiveness of the program. The report must include various specified items of information.

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

(Adds R.S. 3:266(24) and 285)

Forest Fire Suppression Funding (ACT 25)

Present law creates the "Forest Protection Fund" within the state treasury and requires monies deposited into the Forest Protection Fund to be used for acquisition and maintenance of equipment used for the protection of forest lands from damage by fire or other causes.

New law creates the Wildfire Suppression Subfund (Subfund) within the Forest Protection Fund and exempts monies in the Subfund from the uses mandated for the Forest Protection Fund.

Present law requires that any unexpended or unencumbered monies in the Forest Protection Fund at the end of the year revert to the La. Agricultural Finance Authority. New law exempts monies in the Subfund from this reversion.

New law requires the state treasury to credit an amount equal to 25% of the severance tax on timber allocated to the state pursuant to Article VII, Section 4(D) into the Subfund beginning with the 2020-2021 Fiscal Year.

New law requires La. Dept. of Agriculture and Forestry (LDAF) to spend the monies in the Subfund as appropriated by the legislature on fire suppression with an intent that the money is used for the appointment and retention of forest firefighters.

New law provides that monies in the Subfund be invested in the same manner as monies in the state general fund and that any interest earned is credited to the Subfund.

New law requires that any unexpended or unencumbered monies in the Subfund at the end of the fiscal year remain in the Subfund.

New law prohibits any money appropriated from the Forest Protection Fund and the Subfund from displacing, replacing, or supplanting appropriations from the state general fund for LDAF for any purpose for which a general fund appropriation was made in the previous year, unless the total appropriations for the fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year.

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

(Amends R.S. 3:4321)

TITLE 4: AMUSEMENTS AND SPORTS

TITLE 5: AUCTIONS AND AUCTIONEERS

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TITLE 12: CORPORATIONS AND ASSOCIATIONS

Shareholder Meetings Solely by Remote Communication (ACT 46)

New law allows the board of directors of a corporation to determine that any meeting of shareholders shall be held solely by means of remote communication, when the bylaws do not expressly require otherwise.

New law allows banks, savings banks, credit unions, and savings and loan associations to permit shareholders or members of the financial institution to participate in any meeting of shareholders or members by means of remote communication.

New law provides that participation by means of remote communication is subject to guidelines and procedures adopted by the board of directors.

New law provides that participation by remote communication includes but is not limited to any telephonic or internet form of communication.

(Adds R.S. 12:1-709(C) and (D))

Corporate Shareholder Meetings, Name Changes, and Mergers (ACT 3)

New law provides that the board of directors may determine that shareholders' meetings be held only by remote communication, unless the bylaws require meetings be held at a place.

Prior law provided the board of directors may adopt a corporation's name change by substitution of a similar word or abbreviation, or by adding, deleting, or changing a geographical attribution for the name, without shareholder approval unless approval is required by the articles of incorporation.

New law provides a corporate name change may be approved by the board without shareholder approval, unless approval is required by the articles of incorporation.

Present law provides a domestic parent corporation owning at least 90% of the voting power of each class or series of stock of a domestic or foreign subsidiary corporation may merge the subsidiary into itself or another subsidiary, or merge itself into the subsidiary, without board or shareholder approval.

New law adds, unless the corporation's articles of incorporation or the laws under which the subsidiary was organized requires approval, the domestic parent corporation may merge the subsidiary into itself or another subsidiary, without approval of the shareholders of the parent corporation or board or shareholders of the subsidiary.

New law adds that as a result of a merger, the articles of incorporation of the parent corporation may be amended only as provided by law.

Effective upon signature of the governor (October 16, 2020).

(Amends R.S. 12:1-1005 and 1-1105; adds R.S. 12:1-709(C) and 1-1105(D))

TITLE 13: COURTS AND JUDICIAL PROCEDURE

TITLE 14: CRIMINAL LAW

TITLE 15: CRIMINAL PROCEDURE

Hearings of Board of Pardons and Committee on Parole (ACT 6)

Prior law authorized a crime victim or the victim's family, a victim advocacy group, and the district attorney or his representative to appear before the Board of Pardons (Board) or the committee on parole (Committee) by means of telephone communication from the office of the local district attorney.

New law amends prior law to authorize any person providing testimony to appear before the

Board or Committee by means of teleconference or telephone communication and to remove the provision which requires the person to be at the office of the local district attorney.

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

(Amends R.S. 15:573.2 and 574.4.1)

Parole Eligibility for Juveniles (ACT 4)

Particular provision of present law provides that any person serving a term or terms of imprisonment that result in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission of the offense shall be eligible for parole consideration upon serving at least 25 years of the sentence imposed and upon meeting certain conditions.

New law specifies that parole eligibility pursuant to the foregoing particular provision does not apply to a person serving a sentence of life imprisonment for a conviction of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping.

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

(Amends R.S. 15:574.4)

Criminal Identification and Information (ACT 5)

New law authorizes the La. Bureau of Criminal Identification and Information (Bureau) to provide limited access to de-identified arrest and conviction information contained within the Bureau's criminal history record and identification files to nonprofit partners providing technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature. New law requires the Bureau to determine the scope of the limited access.

New law requires any nonprofit partner who obtains limited access to de-identified arrest and

conviction information pursuant to new law to maintain the confidentiality of the de-identified arrest and conviction information in accordance with all applicable state and federal laws and prohibits the dissemination of the de-identified arrest and conviction information to any other person or entity, including other members of the Clean Slate Task Force or any nonprofit partner who did not directly obtain de-identified arrest and conviction information from the Bureau.

Any nonprofit partner who obtains de-identified arrest and conviction information from the Bureau pursuant to new law shall provide the Bureau with a report of its analysis and recommendations regarding automated criminal history record-clearing as it relates to the Bureau's criminal history record and identification files, which the Bureau may provide to the members of the Clean Slate Task Force.

New law requires any nonprofit partner who receives de-identified arrest and conviction information from the Bureau pursuant to new law to execute a nondisclosure agreement with the Bureau and to execute any nondisclosure agreement required by the Bureau's vendors that maintain the disclosed information.

New law authorizes the Bureau to cooperate with nonprofit partners that provide technical assistance to the Clean Slate Task Force.

New law shall cease to be effective on Aug. 1, 2022.

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

(Adds R.S. 15:584(C) and 587(J))

TITLE 16: DISTRICT ATTORNEYS

TITLE 17: EDUCATION

committees regarding this decision by June 15, 2021.

Use of Student Assessment Results (ACT 47)

Present law provides for standards-based assessments of public school students for required subjects.

Present law provides for the use of assessment results as a measure of student growth for several purposes: (1) The evaluation of teachers; (2) the promotion of students to certain grade levels; and (3) the school and district accountability system (through which the State Bd. of Elementary and Secondary Education (BESE) calculates school and district performance scores and assigns letter grades based on such scores).

New law, for the 2020-2021 school year, provides the following relative to assessments:

- (1) Prohibits requiring results for purposes of student promotion or teacher evaluation and authorizes public school governing authorities to adopt policies relative to the use of results in evaluations.
- (2) Requires BESE to examine results and school-level test data and make such allowances in calculating performance scores as it deems necessary and appropriate and provides the following:
 - (a) Requires the state superintendent to report to the education committees relative to results by May 30, 2021.
 - (b) Requires BESE to prepare a petition to U.S. Dept. of Education for a waiver relative to issuing letter grades and submit it if the state superintendent deems that such issuance would be detrimental to the state.
 - (c) Requires BESE and the superintendent to present a report to the education

(Amends R.S. 17:24.4)

Public School Boards (ACT 32)

New law requires each city, parish, or other local school board covered by present group insurance law to provide the health insurance coverage required pursuant to new law.

Present law provides for the Office of Group Benefits (OGB) and authorizes La. state agencies, public higher education entities, and public elementary and secondary school systems to provide group health insurance for their employees and the employees' dependents.

New law allows this authorized group health insurance to be provided through private contracts or self-funded programs, subject to OGB approval. New law specifies that a city or parish school board may utilize a private contract or self-funded program without OGB approval.

New law requires employee and retiree eligibility provisions in any private contract or self-funded program to be identical to eligibility provided in OGB programs.

New law requires every public elementary or secondary school system to provide employee health insurance coverage, beginning on the first date of employment, if, on that date the school system is an area that is the subject of a gubernatorially or presidentially declared disaster or emergency that is declared to involve risks to the health or well-being of individuals engaged in activities that are integral to the job the employee is required to perform for the school system.

Effective upon signature of the governor (October 28, 2020).

(Amends R.S. 17:81 and R.S. 42:851)

Student Discipline (ACT 48)

Present law provides for the discipline of students for disorderly conduct in school, on school

playgrounds, while going to and from school, or during intermission or recess.

Present law, upon the recommendation of a principal for the expulsion of a student, provides for a hearing by the school board to determine the facts of the case and if the student's conduct warrants expulsion. New law makes present law applicable even when a student's penalty is reduced to a suspension.

Present law authorizes a parent or tutor to appeal an expulsion to the district court for the parish in which the student's school is located. New law makes present law applicable even when a student's penalty is reduced to a suspension.

New law provides that a judgment may include awarding of damages and reasonable attorney fees if a court finds a school official's actions meet specified criteria.

Present law requires each public school board to review its discipline policies at least annually and to have established a discipline policy review committee.

New law requires such committees to meet no later than Dec. 31, 2020, and update all policies and procedures relative to conduct that occurs at home or any location that is not school property while a student is engaged in virtual instruction.

New law provides for discipline procedures for students engaged in virtual instruction from Mar. 13, 2020, through Dec. 31, 2020.

New law provides for prospective and retroactive applicability.

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

(Amends R.S. 17:416)

Certification of Illness of School Employees (ACT 34)

Present law provides that all teachers, school bus operators, or other school employees employed by the parish and the city school boards of this

state shall be allowed a minimum of 10 days absence per school year because of personal illness or because of other emergencies, without loss of pay.

Present law provides that when a teacher, school bus operator, or other school employee is absent for 6 or more consecutive days because of personal illness, such employee shall be required to present a certificate from a physician certifying such illness.

New law requires the school board to also accept a certification of the illness from a physician assistant or nurse practitioner who is providing health care services in accordance with the provisions of law regulating their respective professions.

Effective upon signature of the governor (October 23, 2020).

(Amends R.S. 17:500, 1201, and 1206)

Out-of-State Members of College Boards (ACT 38)

Prior law and prior constitution provided for the membership, terms, and appointments of the four public postsecondary education boards of supervisors, and provided for representation from each congressional district and for members from the state at large.

Proposed constitutional amendment provides that if there is more than one at-large member, at least one shall be a resident of the state, and upon recommendation of the board, the governor may appoint persons who reside out-of-state as the remaining at-large member or members.

New law conforms the relevant statutory provisions to the constitutional provisions.

New law is effective if and when the proposed amendment of Article VIII, Sections 6, 7, and 7.1 of the Constitution of Louisiana contained in the Act which originated as SB 44 of the 2020 Second E.S. is adopted at the statewide election to be held on December 5, 2020, and becomes effective.

(Amends R.S. 17:1453, 1831, 1851, and 1871)

College Student ID Cards (ACT 19)

Present law requires individuals to identify themselves as a prerequisite to voting and provides that acceptable means of identification are a La. driver's license, La. special identification card, or other generally recognized picture identification card that contains the person's name and signature.

Present law requires that a student identification card from a four-year public postsecondary institution contain the elements of a generally recognized picture identification card.

New law requires each member institution of the La. Assoc. of Independent Colleges and Universities and the La. Community and Technical College System to ensure that student identification cards contain the elements required for voting purposes.

Effective Jan. 1, 2023.

(Amends R.S. 17:3351(J))

Public College Limited Autonomy (ACT 36)

Present law provides for the Louisiana Granting Resources and Autonomy for Diplomas Act (GRAD Act). The GRAD Act provides public postsecondary institutions that achieve specific, measurable performance objectives, aimed at improving college completion and at meeting the state's current and future workforce and economic development needs, limited tuition and operational autonomy for achieving such objectives.

Prior law provided that a public postsecondary education institution with clean financial audit findings may exercise certain operational autonomies until July 1, 2020, if the institution's management board approves the exercise of autonomies by any institution in the system. New law removes the "sunset" date for such authority.

Prior law provided for various operational autonomies, including (i) authority to retain funds

unexpended and unobligated at the end of the fiscal year for use at the institution's discretion, and (ii) authority to participate in the higher education procurement code as established by Louisiana State University and approved by the division of administration.

New law expands the autonomy to use unexpended and unobligated funds of the fiscal year for use at the institution's discretion.

New law requires that no later than October first of each year each management board is to report to the Joint Legislative Committee on the Budget the amount of unexpended and unobligated funds retained by each institution by means of finance from the prior fiscal year.

New law authorizes cooperative procurement under the higher education procurement code for institutions within a system.

Effective upon signature of the governor (October 28, 2020).

(Adds R.S. 17:3393)

Pandemic Electronic Benefits Transfer Program (ACT 49)

Present law prohibits any employee of a public school system from providing a student's personally identifiable information to any person or public or private entity, with certain exceptions.

New law requires, if requested by a student's parent or legal guardian, each school or other entity that participates in a meal program through which students are eligible for the pandemic electronic benefits transfer (known as P-EBT) program to input such student's information into the secure student information system administered by the state Dept. of Education (DOE) for the purpose of facilitating program administration, including but not limited to the automatic issuance of benefits to the student's family.

New law requires DOE to securely transmit the information to the Dept. of Children and Family

Services and prohibits any DOE employee or official from accessing the information provided pursuant to new law.

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

(Adds R.S. 17:3914(M))

Student Assessments Results (ACT 53)

Prior law required that student assessments be conducted and student achievement and student growth data be used in evaluating teachers, schools, and school districts.

New law adds that, notwithstanding any provision of law to the contrary, for the 2020-2021 school year, the results from student assessments shall not be used for student progression or teacher evaluations.

Effective upon signature of the governor (November 5, 2020).

(Amends R.S. 17:3997; adds R.S. 17:24.4(F)(1)(i) and 3902(E))

TOPS Eligibility in Light of Hurricane Laura and COVID-19 (ACT 17)

Present law provides for the Taylor Opportunity Program for Students (TOPS), a merit-based college scholarship program, and provides eligibility criteria for the initial awarding of a scholarship to a student and for retaining the scholarship from one semester to the next.

Under new law, an "affected parish" means Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn.

Initial eligibility for students impacted by Hurricane Laura

New law regarding initial eligibility applies only to a student who, on Aug. 26, 2020, (i) was enrolled in a public or nonpublic high school

located in an affected parish, or (ii) resided in an affected parish and was enrolled in a BESE-approved home study program.

New law modifies initial eligibility requirements for a TOPS award for such students as follows:

- (1) Present administrative rule provides that the deadline for taking the ACT is April. New law provides that the 2020 deadline is Dec. 31, 2020, and prohibits reducing the period of eligibility for a student who qualifies under this extended deadline. New law authorizes the administering agency to provide an exception if the student was registered for a test canceled due to the hurricane and unable to schedule a test before the deadline due to circumstances beyond the student's control. New law specifies that the initial or upgraded award shall first be paid for the semester during which the qualifying score was achieved.
- (2) A student who graduates from an out-of-state high school shall not be required to have a higher ACT score than in-state graduates.
- (3) A student shall not be required to complete a core curriculum if the principal certifies that failure to comply was due to lack of course availability.
- (4) Residency requirements shall be satisfied:
 - (a) If a student actually resided in La. during the entire 11th grade year and was enrolled for such time in an eligible La. high school or, for dependent students, if a parent or court-ordered custodian actually resided in an affected parish for at least the 12 months prior to Aug. 26, 2020.
 - (b) If a parent of a student who graduates from an out-of-state high school and who was

displaced from an affected parish due to Hurricane Laura actually resided in La. for at least the 12 months prior to Aug. 26, 2020.

- (5) A home study student who attended a La. high school and who completes the 12th grade in a home study program shall not be required to have completed both the 11th and 12th grades in the program.

Continuing eligibility for students impacted by Hurricane Laura

New law relative to continuing eligibility is only applicable to a person who, on Aug. 26, 2020, was eligible for or had a program award and either (i) had a home of record in an affected parish, or (ii) was enrolled in an eligible college or university in an affected parish.

New law, applicable to the 2020-2021 academic year, modifies continuing eligibility requirements for a TOPS award for such students as follows:

- (1) New law waives prior law requirements for steady academic progress and a certain cumulative GPA.
- (2) Present law provides for possible reinstatement of an award suspended because of GPA or failure to make steady academic progress. New law extends the time a student has to recover an award by one semester for each he is unable to enroll or complete.
- (3) New law waives prior law providing for the reduction of eligibility by a semester for each semester that a student is enrolled in an out-of-state college or university.

New law authorizes the administering agency to waive present law relative to TOPS eligibility requirements that a student cannot comply with if it determines that failure to comply is, more likely than not, due solely to (i) the effects of Hurricane Laura, or (ii) another declared disaster or emergency; this authority is limited to the 2020-2021 academic year.

Rules adopted pursuant to this authority to waive eligibility requirements are subject to, in addition to present law relative to legislative oversight, the oversight and approval authority of the Jt. Legislative Committee on the Budget.

TOPS eligibility for students impacted by COVID-19

Present law provides that the deadline for taking the ACT in 2020 is Sept. 30, 2020, and prohibits reducing the period of eligibility for a student who qualifies under this extended deadline. New law moves this deadline to Dec. 31, 2020, and authorizes the administering agency to provide an exception if the student was registered for a test canceled due to COVID-19 and unable to schedule a test before the deadline due to circumstances beyond the student's control. New law specifies that the initial or upgraded award shall first be paid for the semester during which the qualifying score was achieved.

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

(Amends R.S. 17:5103(B)(1)(a); Adds R.S. 17:5104)

TITLE 18: LOUISIANA ELECTION CODE

Elections During Disasters and Emergencies (ACT 9)

New law adds that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with new law, a member of the board may be compensated not more than 11 days for a presidential or regularly scheduled congressional general election or 10 days for any other primary or general election if any such election is impaired as the result of a declared disaster or emergency.

New law adds provisions for elections impaired as the result of a declared disaster or emergency and allows the preparation and verification process of absentee by mail ballots and early voting ballots to begin four days before election

day (rather than just one day before). New law shall be void and of no effect on Aug. 1, 2021.

Effective upon signature of the governor (October 23, 2020).

(Amends R.S. 18:423 and 1315; adds R.S. 18:1313.2)

Election Pay and Emergencies (ACT 11)

New law authorizes the secretary of state to approve payment of up to \$100 per election or each day of assistance as additional compensation to certain election commissioners and custodians of voting machines during an election held within one year following the date of the issuance of any gubernatorial declaration of an emergency.

Effective upon signature of governor (Oct. 27, 2020).

(Amends R.S. 18:426.1, 1309, 1314, and 1354)

TITLE 19: EXPROPRIATION

TITLE 20: HOMESTEADS AND EXEMPTIONS

TITLE 21: HOTELS AND LODGING HOUSES

TITLE 22: INSURANCE

HMOs (ACT 58)

New law expands the definition of "health maintenance organization" to include any corporation organized as either a business corporation or a nonprofit corporation.

Present law provides for the application of Business Corporation Law to health maintenance organizations. New law also includes the application of the Nonprofit Corporation Law to health maintenance organizations.

Effective upon signature of the governor (November 5, 2020).

(Amends R.S. 22:242(7) and 243(F))

TITLE 23: LABOR AND WORKERS' COMPENSATION

Unemployment Compensation (ACT 40)

Present law provides for unemployment compensation as a joint federal-state program with administrative expenses financed by federal payroll taxes under the Federal Unemployment Tax Act (FUTA) and the cost of benefits financed by state payroll taxes under State Unemployment Tax Acts (SUTA).

Present law provides that revenues collected through Louisiana's SUTA are deposited within the federal Unemployment Trust Fund into an account for Louisiana (called Louisiana's unemployment trust fund) which is dedicated to the payment of unemployment benefits for Louisiana's unemployed workers.

Present law provides a chart that establishes four different procedures based on trust fund balance ranges to determine:

- (1) the maximum dollar amount of wages (or "taxable wage base") paid to an employee in a calendar year upon which the Louisiana employer will be liable for SUTA taxes;
- (2) the maximum weekly benefit amount a qualified unemployed Louisiana worker may receive in unemployment benefits; and
- (3) the formula for calculating unemployment benefits for a qualified unemployed worker based upon that worker's past wages.

Present law provides that as the unemployment trust fund balance increases, employers taxes decrease and unemployed worker benefits increase, and as the trust fund balance decreases, employer taxes increase and unemployed worker

benefits decrease. Specifically, the present law chart provides:

- (1) Procedure 1 (applicable when the unemployment trust fund balance range is less than \$750,000,000) provides that the taxable wage base shall be \$8,500 and the maximum weekly benefit amount shall be \$221.
- (2) Procedure 2 (applicable when the unemployment trust fund balance range is at least \$750,000,000 but less than \$1,150,000,000) provides that the taxable wage base shall be \$7,700 and the maximum weekly benefit amount shall be \$247.
- (3) Procedure 3 (applicable when the unemployment trust fund balance range is at least \$1,150,000,000 but less than \$1,400,000,000) provides that the taxable wage base shall be \$7,000 and the maximum weekly benefit amount shall be \$258.
- (4) Procedure 4 (applicable when the unemployment trust fund balance range is greater than \$1,400,000,000) provides that the taxable wage base shall be \$7,000 and the maximum weekly benefit amount shall be \$284.

Present law provides generally that the Procedure to be used for the following calendar year is to be based on the applicable fund balance range, taking into account certain projections.

New law provides that notwithstanding any other provision of prior law, the secretary of the La. Workforce Commission shall apply Procedure 2 for calendar year 2021.

Effective upon signature of the governor (October 28, 2020).

(Adds R.S. 23:1474(J))

Unemployment Insurance Integrity Program (ACT 22)

New law provides that the La. Workforce Commission (LWC) shall be tasked with the responsibility of enhancing the integrity of the state's unemployment insurance program.

New law provides that when LWC receives information concerning an individual who is participating in the unemployment compensation insurance program that indicates a change in circumstances that may affect his eligibility, LWC shall review the individual's case and make a final determination of his eligibility in accordance with the provisions in present law.

New law provides that (i) LWC, on a weekly basis, is required to check new hire records against the National Directory of New Hires; (ii) LWC may use other commercially available database solutions to check new hire records against the state's unemployment insurance rolls on a weekly basis; (iii) LWC is required to check the Integrity Data Hub; and (iv) LWC, on a weekly basis, shall check the unemployment insurance rolls against the La. Dept. of Public Safety and Corrections' list of incarcerated individuals.

New law requires LWC to provide an annual report to the legislature of (i) the department's rate of consistency in performing the weekly checks against the Integrity Data Hub and National Directory of New Hires, (ii) the type and amount of improper payments detected retroactively, (iii) the type and amount of improper payments prevented, and (iv) the dollar amount the state has saved in preventing improper payments and, if any, in recuperating improper payments.

New law provides that LWC shall be the authority to execute a memorandum of understanding with any, within reason, state department, agency, or division for data that is necessary to carry out the purposes outlined in new law.

Effective Jan. 1, 2021.

(Adds R.S. 23:1605)

TITLE 24: LEGISLATURE AND LAWS

New law requires the licensee to notify the division prior to the beginning of the renovation that would cause the suspension of any criteria or amenity.

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC

New law provides that after the initial approved 30-day suspension of the criteria or amenity, if the renovation is not completed due to unforeseen circumstances, the licensee may apply to the division, and for good cause shown, the division may grant an additional 30 days for completion.

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Present law allows the temporary waiver of certain criteria and amenities due to a force majeure. New law provides that any declaration of a state of emergency, or public health emergency, by order or proclamation of the governor or of the president of the U.S. that mandates a temporary closure or partial closure of any operations at a qualified truck stop facility shall be considered a force majeure for the duration of the declared state of emergency or public health emergency and 60 days thereafter.

TITLE 27: LOUISIANA GAMING CONTROL LAW

New law is effective retroactive to March 17, 2020.

Fantasy Sports Contests (ACT 44)

New law adds definition of "participation" or "participate" as meaning to pay an entry fee to a fantasy sports contest operator.

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

Prior law provided for the prohibition in certain parishes of fantasy sports contests. New law provides for the prohibition in certain parishes of participation in fantasy sports contests.

(Amends R.S. 27:417)

Effective upon signature of the governor (October 28, 2020).

(Amends R.S. 27:305, and 308; adds R.S. 27:302(11))

TITLE 28: MENTAL HEALTH

Video Draw Poker Devices and Truck Stops (ACT 7)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

New law provides that in the event of a renovation to any of the qualified truck stop facility criteria or amenity requirements or buildings housing either of these, the licensee may request the approval of the division to suspend operations of such criteria or amenity for 30 days in order to complete the renovation.

TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY

New law provides that during an approved suspension of the criteria or amenity, the licensee may continue to operate video draw poker devices.

TITLE 31: MINERAL CODE

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

TITLE 33: MUNICIPALITIES AND PARISHES

TITLE 34: NAVIGATION AND SHIPPING

International Deep Water Gulf Transfer Terminal Authority (ACT 55)

New law changes statutory references in the definitions of "Revenue bond project" and "Revenue bonds" from R.S. 34:3112.1 relative to bonds of the Offshore Terminal Authority to R.S. 34:3503 relative to bonds of the La. International Deep Water Gulf Terminal Authority (Authority).

Prior law contained several instances where use of the words "container" or "containerized" restrict or limit the Authority. New law deletes the words "container" or "containerized" to remove the restriction or limitation.

Prior law provided for the issuance of revenue bonds by the Authority and requires execution of bond resolutions that authorize revenue bonds by the secretary of DOTD. The secretary is a member of the Authority's board of commissioners, but DOTD has no oversight over the Authority.

New law changes prior law to provide for execution of the Authority's bond resolutions by an authorized officer of the Authority's board of commissioners.

Effective upon signature of the governor (November 5, 2020).

(Amends R.S. 34:3492, 3493, 3499, 3501, and 3503)

International Deep Water Gulf Transfer Terminal Authority (ACT 51)

Prior law established a 15-member board of commissioners for the La. International Deep Water Gulf Transfer Terminal Authority, chosen in specified ways. New law reduces the membership of the board from 15 to 9, and changes the manner of its composition.

Prior law required the board of commissioners to seek the approval of the House and Senate committees on transportation, highways, and public works and the Joint Legislative Committee on the Budget prior to the adoption of any rule or regulation for the maintenance and operation of the authority. New law removes prior law.

Prior law required the board of commissioners to elect a president, two vice-presidents, a secretary, and a treasurer from among the members of the board. New law reduces the number of vice-presidents to be elected from two to one.

Prior law specified that all matters to be acted upon by the board of commissioners or the executive board require the affirmative vote of a majority of the board, with the exception that the affirmative vote of not less than ten commissioners is required to select the executive director. New law reduces the number of affirmative votes of commissioners to select the executive director from 10 to 6.

Prior law required the board to make an annual report to the governor, the House and Senate committees on transportation, highways, and public works, and the Joint Legislative Committee on the Budget.

New law removes the Joint Legislative Committee on the Budget from the entities to which the board must make an annual report. New law provides that the annual report shall be submitted not later than February 1st of each year and that the report shall include a summary of the authority's progress, future plans for the authority's development program and financial report.

Effective upon signature of the governor (November 5, 2020).

(Amends R.S. 34:3494, 3495, and 3496)

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

Office of Broadband and Connectivity (ACT 24)

New law creates the office of broadband and connectivity (Office), places it within the office of the governor, and requires the Office to report to the governor and various committees.

New law establishes appointment and termination procedures for the executive director, and allows the executive director to employ staff to carry out the duties of new law.

New law requires the executive director to submit an annual report to the legislature which is to contain certain information regarding the activities of the Office, data and assessments relative to broadband and connectivity, a mapping initiative, information on available grants, recommendations for legislation, and needed resources to achieve the duties set out in new law.

New law requires the governor to direct other state agencies to assist the Office.

New law provides for the functions, powers, and duties of the Office which serve to advance the expansion and accessibility of broadband and other connectivity services in the state, and provides the Office the authority to contract with persons and government agencies in order to carry out those duties.

(Adds R.S. 36:4(CC), R.S. 49:968(B)(21)(d), and R.S. 51:1361-1364)

TITLE 37: PROFESSIONS AND OCCUPATIONS

Engineer and Land Surveyor Licensing (ACT 2)

New law defines "dual licensee" as any person practicing or seeking to practice both engineering and land surveying in the state who has received both licenses from the La. Professional Engineering and Land Surveying Board (Board) and is otherwise in good standing with the Board.

New law adds a third alternative set of requirements for licensure as a professional engineer: graduate from a Board-approved engineering curriculum, have 20 years or more of progressive engineering experience in work acceptable to the Board, be of good character and reputation, pass the examinations required by the Board, and satisfy the application requirements.

Prior law provided for the licensure requirements of a professional naval architect or marine engineer. New law removes provisions of prior law.

New law authorizes the Board to require an individual who failed an examination to appear before the Board for an oral interview.

New law authorizes the Board to adopt rules concerning eligibility for licensure of an individual who has failed an examination seven or more times.

New law adds certain acts and offenses that are subject to disciplinary and enforcement actions by the Board.

Effective January 1, 2021.

(Amends R.S. 37:682, 683, 684, 686, 693, 695, 698, 700; adds R.S. 37:682(16))

Physician Licensure and Interstate Compact (ACT 35)

Prior law provided that a person who wishes to practice medicine in Louisiana must meet certain minimum qualifications, including being a citizen

of the United States. New law expands the eligibility to also include any person who possesses valid and current legal authority to reside and work in the United States.

New law enacts the Interstate Medical Licensure Compact. New law allows Louisiana to join a multi-state compact for physicians to obtain multi-state license privileges to practice in participating compact states to enhance the portability of a medical license and ensure the safety of patients.

New law provides that each participating state in the compact will adopt similar requirements for expedited licensure including satisfaction of criminal background checks, licensure, and education.

New law requires verification of licensure information through the coordinated information system and exchange of information regarding discipline and adverse actions by all participating states.

New law provides that the medical board in the state where the patient is located shall regulate the physician in that state.

New law requires a physician to select a State of Principal License (SPL) within the compact where the physician already has a license. New law provides that the SPL is responsible for conducting the primary source verification of the applying physician's qualifications to participate in the compact.

New law establishes the Interstate Medical Licensure Compact Commission (Commission) and grants each participating state two voting representatives on the Commission. New law provides for the powers, duties, financial authority, organization, and rulemaking functions of the Commission, authorizes the Commission to levy and collect an annual assessment from each member state, and authorizes the Commission to initiate legal action in federal court in the District of Columbia or where the Commission has its principal offices to enforce the compact's provisions.

New law provides for oversight, enforcement, dispute resolution, withdrawal, and dissolution of the compact.

Effective July 1, 2021.

(Amends R.S. 37:1272; adds R.S. 37:1310.1)

Audiology and Speech-Language Pathology Interstate Compact (ACT 37)

New law enacts the Audiology and Speech-Language Pathology Interstate Compact to take effect once adopted in 10 member states. New law allows Louisiana to join a multistate compact which allows audiologists and speech-language pathologists to obtain multistate license privileges to practice in participating compact states, to decrease redundancies in the consideration and issuance of audiologist and speech-language pathologist licensure, and to provide opportunity for interstate practice by audiologists and speech-language pathologists who meet the uniform licensure requirements.

New law provides that the compact encourages the multistate regulation of audiology and speech language pathology practice, enhances exchange of licensure, investigative and disciplinary information among its members, allows for use of telehealth technology to facilitate increased access to audiology and speech-language pathology services, supports spouses of relocating active duty military personnel, and allows a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

New law provides that active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing and that the individual may retain the home state designation during the period the service member is on active duty. New law provides that subsequent to designating a home state, the individual shall only change his or her home state through application for licensure in the new state.

New law provides for the establishment of a joint agency known as the Audiology and Speech-

Language Pathology Commission and membership by representatives from compact states.

Effective July 1, 2021.

(Adds R.S. 37:2678.1)

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

TITLE 39: PUBLIC FINANCE

Commencement of Capital Outlay Projects (ACT 39)

Present law provides that no work shall commence and no contract shall be entered into for any project contained in the capital outlay act unless and until funds are available from the cash sources indicated in the act or from the sale of bonds or from a line of credit approved by the State Bond Commission, except contracts for Dept. of Transportation and Development projects which are subject to the provisions of law relative to the department's cash management plan.

New law provides that state-owned projects planned for the fiscal year in which an appropriation has been made shall be commenced in that fiscal year, and the administering agencies shall diligently commence work on those projects in accordance with the provisions of the annual capital outlay act, Titles 38, 39, and 48 of the La. Revised Statutes of 1950, and any other applicable statutory provision.

New law provides that if a project cannot be commenced within the fiscal year for which it is planned, the administering agency shall file with the project records a public statement as to the factors causing the delay and shall send a copy of the public statement regarding the cause of the delay, and notice when the delaying factors have been overcome, no later than Feb. 1 each year, to the Joint Legislative Committee on Capital Outlay and to each senator and representative in whose district the project is located.

New law provides that when the cause of the delay has been cured, the administering agency shall commence the work immediately and expeditiously.

Effective upon signature of the governor (October 28, 2020).

(Amends R.S. 39:122(A))

School Telecommunications and Video Surveillance Equipment (ACT 52)

New law prohibits all of the following entities from purchasing telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act, unless such equipment is from a manufacturer that is in compliance with such federal provision:

- (1) Public elementary, secondary, and postsecondary schools, institutions, and governing authorities.
- (2) Nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds.
- (3) Proprietary schools that receive state funds.

New law requires the vendor of such equipment to provide an affidavit that the equipment is from a manufacturer that is in compliance with such federal provision.

Effective January 1, 2021.

(Amends R.S. 39:1755; adds R.S. 38:2237.1 and R.S. 39:1753.1)

TITLE 40: PUBLIC HEALTH AND SAFETY

Kenner Housing Authority Employees (ACT 14)

Present constitution (Art. X, §1(A)) provides that state civil service includes all persons holding

offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency, but excludes members of the state police service and persons holding offices and positions of any municipal board of health or local governmental subdivision.

New law provides that the Kenner Housing Authority shall not be considered an instrumentality of the state for purposes of Const. Art. X, §1(A) and that employees of the authority shall not be included in the state civil service.

(Adds R.S. 40:539(C)(8)(j))

Emergency Medical Services Personnel (ACT 31)

New law enacts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA). New Law allows Louisiana to join a multistate compact for EMS personnel to obtain multistate license privileges to practice in participating compact states, to decrease redundancies in the consideration and issuance of EMS licenses, and to provide opportunity for interstate practice by EMS personnel who meet the uniform licensure requirements.

New law provides that each participating state in the compact will adopt similar requirements for criminal background checks, licensure, and education. New law requires exchange of information regarding discipline and adverse actions by all participating states.

New law requires EMS personnel leaving their home state to practice in a participating state to comply with the laws of the participating state. New law provides for a home state license and a process for changing home state and location of primary residence. New law provides that the home state is responsible for taking adverse action against EMS personnel in violation of practice act requirements, including deactivation of multistate licensure privileges.

New law establishes the Interstate Commission for EMS Personnel Practice and grants each

participating state a single seat on the commission.

New law establishes the requirement for criminal background checks as a condition of licensure for emergency medical services personnel.

Effective July 1, 2021.

(Adds R.S. 40:1133.1(E) and 1141)

Criminal History and Security Checks for Certain Health Care Workers (ACT 57)

Present law provides that an employer shall request that a criminal history and security check be conducted on a nonlicensed person or any licensed ambulance personnel prior to making an offer to employ or to contract with same to provide nursing care, health-related services, medic services, or supportive assistance to any individual.

New law adds that any adult health care provider may make an offer of employment to a nonlicensed person without conducting the required criminal history and security check if all of the following conditions are met:

- (1) The nonlicensed person was employed by the health care provider on March 22, 2020.
- (2) The health care provider was required to temporarily cease operations pursuant to Proclamation No. 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.
- (3) The nonlicensed person is no longer employed by the provider as a result of the temporary closure mandated pursuant to Proclamation No. 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.
- (4) The nonlicensed person is being rehired by the same provider within 60 days of the provider resuming operations.

- (5) The nonlicensed person provides a written attestation that he has not been arrested or received a criminal conviction during the period from the date the nonlicensed person was last employed by the provider to the date of rehiring.

Effective upon signature of governor (November 5, 2020).

(Adds R.S. 40:1203.2(C)(3))

Reporting of Number of Child Infections (ACT 20)

New law requires that during any state of public health emergency declared in accordance with present law and relating to one or more infectious diseases, the office of public health of the La. Department of Health shall transmit, on a weekly basis, a report which provides the total number of school-age children in this state known to have been infected with each such disease, to (i) the state superintendent of education, (ii) each elected member of the Board of Elementary and Secondary Education, and (iii) each elected member of the legislature.

New law requires the La. Department of Health to publish the reports on its website.

New law defines "school-age children" as all children who are at least 5 years of age and have not attained the age of 18 years.

New law provides that if a state of public health emergency is in effect on the effective date of new law, then the office of public health shall issue the first report required by new law not later than the seventh day after the effective date of new law.

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

(Adds R.S. 40:1272.1 and 1272.2)

Property Protection Licenses (ACT 54)

Present law provides for the licensure and regulation of a person or firm engaged in life

safety and property protection contracting by the state fire marshal.

Present law provides for criminal background checks on persons applying for a property protection license.

New law authorizes the state fire marshal to issue a provisional license to a property protection applicant for a period not to exceed 60 days from issuance while verification of the applicant's criminal history is pending.

New law provides that to be issued a provisional license, the applicant must attest that he or she has never been convicted of a felony, received a first-time offender pardon for a felony, or entered into a plea of guilty or *nolo contendere* to a felony charge and will work under the direct supervision and accompaniment of a technician who is licensed to the same firm and holds a valid license to perform the same acts.

New law requires the fire marshal to revoke the provisional license if the applicant fails to pass the criminal background check or files a false public record.

Effective upon signature of the governor (November 5, 2020).

(Adds R.S. 40:1664.8(I))

Health Care and Clergy (ACT 30)

Present law provides for the La. Health Emergency Powers Act, which allows the governor to issue an executive order or proclamation declaring a public health emergency, following consultation with the La. Dept. of Health (LDH), if he finds a public health emergency has occurred or the threat thereof is imminent.

Present law provides that, during and after a declaration of a state of public health emergency, the LDH secretary or his designee will provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency.

New law adds that LDH may include the availability of no cost or reduced-cost counseling or mental health support services from licensed mental health professionals offered by religious organizations or other nonprofit organizations and no-cost emotional or spiritual support offered by clergy.

Present law provides that, during a state of public health emergency, a health care provider shall not be civilly liable for causing the death of, or injury to, any person or damage to any property, except in the event of gross negligence or willful misconduct.

New law adds that during a state of public health emergency that is declared to combat COVID-19 or any other contagious or infectious disease, no inpatient health care facility will be liable to a member of the clergy who visits the inpatient health care facility for any civil damages for injury or death resulting from an actual or alleged exposure to COVID-19 or any other contagious or infectious disease.

New law provides that this limitation on liability will not apply to a facility that fails to substantially comply with the applicable procedures established by LDH that governs the health care facility operations and the injury or death was caused by the health care facility's gross negligence or wanton or reckless misconduct.

New law provides that LDH shall promulgate rules, meeting certain standards, to require inpatient health care facilities to allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident requests such a visit.

Effective upon signature of governor (October 28, 2020).

(Amends R.S. 29:770 and 771; adds R.S. 40:2005.1)

Visitation Rights for Residents (ACT 18)

Nursing homes

Present law requires that nursing homes assure each resident the right to be granted immediate access to the following persons:

- (1) Immediate family members, other relatives of the resident, and the resident's clergy subject to the resident's right to deny or withdraw consent at any time.
- (2) Others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.

New law adds that nursing homes must allow in-person access to a resident by any person identified in the items above if the person or resident chooses to visit in person.

Present law provides that "reasonable restrictions" are those imposed by the facility that protect the security of all the facility's residents. New law adds that such restrictions may include, but shall not be limited to, infection control protocols.

New law provides that during a state of public health emergency declared to address COVID-19, no provision of present law or present administrative code shall be construed to limit a nursing home resident's right to have access to in-person visitation by an immediate family member, other relative, the resident's clergy, or any other person visiting the resident with the resident's consent as established in present law.

New law provides that notwithstanding its protections of the rights of nursing home residents to have in-person visitation, a resident's right to visitation shall be limited if one or more of the following conditions is met:

- (1) The limitation is required by rule, regulation, order, or official guidance of the Centers for Medicare and Medicaid Services or any other agency of the federal government.
- (2) The limitation is provided in an executive order or proclamation of the governor

issued during a declared state of public health emergency, except that if both the House and Senate committees on health and welfare find the limitation unacceptable, then the limitation shall be null, void, and without effect.

- (3) The limitation is provided in an order of the state health officer issued during a declared state of public health emergency, except that if both the House and Senate committees on health and welfare find the limitation unacceptable, then the limitation shall be null, void, and without effect.

New law provides that action by a legislative committee to find unacceptable a limitation on visitation of nursing home residents may be by favorable vote, *viva voce*, of a simple majority of the committee's membership at a meeting of the committee, or by favorable vote of a simple majority of the committee's membership submitted by mail ballot.

Assisted living facilities

New law provides that residents of adult residential care provider facilities (known commonly as "assisted living facilities" and referred to hereafter as "ARCP facilities") shall have the right to be granted immediate access to all of the following persons:

- (1) Immediate family members, other relatives, and their clergy subject to the ARCP facility resident's right to deny or withdraw consent at any time.
- (2) Others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.

New law requires ARCP facilities to allow in-person access to the resident by any authorized person if the person or resident chooses to visit in person.

New law defines "in-person access" as the right of a resident to receive visitors in person at the

ARCP facility, either in the resident's room or in another location on the facility campus designated by the facility. New law provides that the facility may change the location of visits to assist caregiving or protect the privacy or health of other residents.

New law provides that visitation may be subject to reasonable restrictions imposed by the facility. New law defines "reasonable restrictions" as restrictions imposed by the ARCP facility that protect the security of residents and staff of the facility, which may include, but shall not be limited to, infection control protocols.

New law authorizes ARCP facilities to ask any visitor who does not comply with reasonable restrictions, or who otherwise endangers the health, safety, or well-being of any resident or staff member, to leave the facility and to prohibit that visitor from future visitation.

New law provides that a sponsor may act on an ARCP facility resident's behalf to assure that the ARCP does not deny the resident's rights.

New law provides that no right recognized in regulations adopted in accordance with new law may be waived for any reason.

New law provides that no provision of present law or present administrative code shall be construed to limit an ARCP resident's right to have access to in-person visitation by an immediate family member, other relative, clergy, or any other authorized person visiting the resident with the resident's consent.

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

(Amends R.S. 40:2010.8; Adds R.S. 40:2166.11)

Visitation of Residents (ACT 27)

Present law provides for licensure and regulation by the Louisiana Department of Health (LDH) of intermediate care facilities for people with developmental disabilities (ICF/DD).

New law provides that it shall apply exclusively during any state of public health emergency, declared in accordance with present law, to address the infectious respiratory disease known as COVID-19.

New law provides that "close family member", for purposes of new law, means a parent, step-parent, sibling, step-sibling, aunt, uncle, child, step-child, spouse, mother-in-law, father-in-law, grandparent, grandchild, or legal representative of the ICF/DD resident.

New law requires LDH to allow any close family member of a resident of an ICF/DD to visit the resident in accordance with the provisions of new law.

New law prohibits LDH from restricting visitation of ICF/DD residents by close family members based upon the occurrence of an outbreak of COVID-19 infections among facility residents that is known to have resulted from transmission of COVID-19 to a resident from a staff member of the facility.

New law requires that LDH prohibit any close family member who is infected with COVID-19 from visiting an ICF/DD resident.

New law authorizes LDH to require any close family member who seeks to visit an ICF/DD resident at the facility to be tested for COVID-19, and to allow the close family member to visit the resident if the test result is negative.

New law authorizes LDH to require that during any visit with an ICF/DD resident at the facility by a close family member, the close family member shall wear personal protective equipment of the same type and in the same amount that direct care staff are required to wear when physically interacting with facility residents.

New law requires LDH to allow a close family member to visit an ICF/DD resident away from the facility campus and to allow the resident to return to the facility only after the resident is tested for COVID-19 and the test result is negative.

New law provides that neither LDH nor the ICF/DD shall limit an on-campus visit with an ICF/DD resident by a close family member to a duration of less than two hours.

New law provides that if LDH issues any citation, notice, or order to an ICF/DD pursuant to a licensing survey, inspection, or other evaluation and the citation, notice, or order has the effect of prohibiting visitation at the facility and the facility disputes in writing any finding from the survey, inspection, or evaluation, then LDH shall resolve the dispute within 14 days of receiving written notice of the dispute from the facility.

New law provides that if LDH and the facility do not resolve the dispute within 14 days, then visitation of clients at the ICF/DD may resume without penalty to the facility until such time as the dispute is resolved.

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

(Adds R.S. 40:2180.2(11))

TITLE 41: PUBLIC LANDS

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Public Meetings (ACT 43)

Present law authorizes a public body to hold a public meeting via electronic means if the jurisdiction of the public body is within an area where the governor has declared an emergency and holding a public meeting as otherwise provided by law would be detrimental to the health, safety, or welfare of the public.

Present law requires the presiding officer of the public body to give notice of such a meeting at least 24 hours in advance and to certify on the notice that the meeting is limited to one or more of the following:

- (1) matters that are directly related to the public body's response to the emergency

and are critical to the public health, safety, or welfare;

- (2) matters that, if delayed, will cause curtailment of vital public services or severe economic dislocation and hardship; and
- (3) matters that are critical to continuation of the business of the public body and that cannot be postponed due to legal requirements or deadlines.

New law adds that such a meeting may also include other critical or time-sensitive matters that the presiding officer has determined should not be delayed, if the members of the body present approve consideration of the matters by a two-thirds vote.

Effective upon signature of governor (October 28, 2020).

(Amends R.S. 42:17.1(A))

Civil Service Training Programs (ACT 33)

Present law requires that the Department of State Civil Service (Department) institute, develop, conduct, maintain and otherwise provide for in-service training and educational programs for state employees that may be made available for a fee to other public officials and employees.

Prior law provided such fees would be as determined by the Department based on recommendations from an external policy board. New law provides that such fees will be as determined by an internally developed fee schedule.

Prior law established a policy board to advise the Department on said training programs and to award certifications to employees successfully completing all requirements in the management development program. New law abolishes the policy board.

Prior law provided (i) that the cost of operating the state civil service system will be paid to Department by agencies employing state

classified employees, (ii) that the total amount payable by each agency will not exceed seven-tenths of one percent of the annual gross salaries of the state classified employees within each agency, (iii) that the cost of Department-administered public training programs will be paid to the Department by agencies employing state classified employees, and (iv) that the total amount payable by each agency will not exceed two-tenths of one percent of the annual gross salaries of the state classified employees within each agency.

New law provides (i) that the cost of operating the state civil service system and providing in-service and educational programs to state employees will be paid to the Department by agencies employing state classified employees and (ii) that the total amount payable by each agency will not exceed nine-tenths of one percent of the annual gross salaries of the state classified employees within each agency.

Effective 60 days after adjournment sine die of the 2020 2nd E.S.

(Amends R.S. 42:345, 1261, 1263, 1265, 1267, and 1383; repeals R.S. 36:53(G) and R.S. 42:1262)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

TITLE 44: PUBLIC RECORDS AND RECORDERS

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Cable and Video Service Providers (ACT 42)

New law requires, on or before June 1, 2021, each cable service provider and video service provider to prepare and submit to the La. Public Service Commission (Commission) an emergency service plan, which shall include a provider's

emergency preparedness and response plan to an emergency or disaster.

New law provides the emergency service plan shall include various specified items and topics of information.

New law provides that upon receipt of an emergency service plan, the Commission shall review the plan to determine if it is in compliance with new law and any applicable rules and regulations of the Commission.

New law provides that on or before August 1st of each year, the Commission shall submit a written declaration certifying compliance or noncompliance of each cable or video service provider's emergency service plan to the director of the Governor's Office of Homeland Security and Emergency Preparedness, the Senate Committee on Commerce, Consumer Protection and International Affairs, and the House Committee on Commerce.

New law requires each cable or video service provider to review its emergency plan annually. If changes are made the revised plan shall be submitted to the Commission on or before June 1st. If there are no changes to the emergency service plan, written notification that the previously submitted plan is current shall be submitted to the Commission on or before June 1st.

New law provides that the filing of an emergency service plan in accordance with new law shall not subject any cable or video service provider to any regulatory jurisdiction by the Commission not in effect on December 1, 2020.

New law provides that if a cable or video service provider uses the same facilities to provide any other service regulated by the Commission and files with the Commission an emergency service plan for that service that includes an emergency preparedness and response plan for cable service, video service, or both, that cable or video service provider shall not be required to submit an additional emergency service plan pursuant to the provision of new law.

New law provides that any cable service provider or video service provider found by the Commission, after notice and hearing, to be in violation of new law shall be subject to a civil fine not to exceed \$1,000 for the first violation, and any subsequent violation of new law shall not exceed \$5,000.

Effective December 1, 2020.

(Adds R.S. 45:1611-1613)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Juvenile Justice Reform (ACT 28)

Present law provides for the Juvenile Justice Reform Act Implementation Commission and its membership.

New law adds the chairman of the House Committee on Administration of Criminal Justice or his designee as a member of the commission.

New law provides that the appointed representative of the Families and Friends of Louisiana's Incarcerated Children shall serve as the vice chairperson of the commission.

New law adds to the commission's purposes the well-being of youth in the juvenile justice system during a public health emergency and HCR No. 47 of the 2020 Regular Session of the Legislature.

Prior law required the commission to meet for the first time no later than Aug. 1, 2003, and at other times as necessary to accomplish its purposes. New law requires the commission to meet no later than Jan. 15, 2021, and at least once each quarter.

New law adds that the commission shall consider the well-being of youth in the juvenile justice system during a public health emergency and HCR No. 47 of the 2020 Regular Session of the Legislature.

Present law requires the commission to report to the legislature and the governor with respect to the findings of studies, reviews, and analysis as it may undertake.

Present law requires the commission to submit its initial report prior to the 2004 Regular Session of the Legislature and at such other times as it deems appropriate. New law requires the commission to submit annual reports prior to each regular session of the legislature.

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

(Amends R.S. 46:2751, 2752, 2755, and 2756)

TITLE 47: REVENUE AND TAXATION

Federal Income Tax Liability (ACT 26)

Present law defines "federal income tax liability", for purposes of the individual income tax, as the total amount of tax due to the U.S. for the taxable period on the individual income tax return required to be filed by any taxpayer, excluding social security and self-employment taxes.

Present law requires federal income tax liability to be increased by federal income tax credits determined by the secretary to be disaster relief credits.

New law requires that for taxable periods beginning after Dec. 31, 2018, and before Jan. 1, 2021, that federal income tax liability be increased by the amount by which an individual's federal income tax due to the U.S. for the taxable period was decreased as a result of claiming the federal itemized deduction for certain net disaster losses.

New law shall be applicable for taxable periods beginning after Dec. 31, 2018, and before Jan. 1, 2021.

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

(Adds R.S. 47:293(4)(e))

Income Tax Deduction for COVID-Caused Tutor Expenses (ACT 13)

New law establishes an income tax deduction for educational coaching services for an in-person

facilitator of virtual education delivered by a public or approved nonpublic elementary or secondary school that were paid or incurred by the taxpayer between March 13, 2020, and Dec. 31, 2020, as a result of the COVID-19 pandemic.

New law provides that the amount of the deduction shall be equal to the actual amount of educational coaching services incurred or paid by the taxpayer per eligible child or \$5,000, whichever is less. New law prohibits the amount of the deduction from exceeding the total taxable income of the individual.

New law defines "approved nonpublic elementary or secondary school" as a nonpublic elementary or secondary school located in Louisiana which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* and with Section 501(c)(3) of the Internal Revenue Code, or any public elementary or secondary laboratory school which is operated by a public college or university.

New law defines "in-person facilitator of virtual education" as an individual providing in-person instruction or assistance to one or more elementary or secondary school students who is at least 18 years old at the time services are provided or, if not 18 years old at the time services are provided, who graduated from high school. The individual providing the in-person instruction or assistance shall not be the taxpayer or a member of the taxpayer's immediate family.

New law defines "eligible child" as a student who qualifies as a dependency exemption on the taxpayer's La. income tax return for either the taxable year or the prior taxable year.

New law prohibits expenses claimed by a taxpayer pursuant to new law from being eligible for the educational expense deductions provided for in present law.

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

(Adds R.S. 47:297.15)

Sales Tax Holidays (ACT 16)

New law authorizes a state sales and use tax exemption (sales tax holiday) on the first \$2,500 of the sales price of any consumer purchases of tangible personal property that occur on Friday, Nov. 20, 2020, and Saturday, Nov. 21, 2020.

New law defines "consumer purchases" as purchases of items of tangible personal property, other than vehicles subject to license and title, but excludes purchases of meals furnished for consumption on the premises where purchased, including to-go orders.

New law sets forth requirements for sales in order for the exemption to apply and terms and conditions for "rain checks", items bought on "layaway", and returns.

New law adds the sales and use tax holiday in new law to the list of exemptions that are effective through June 30, 2025.

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

(Adds R.S. 47:302(BB)(113), 305.74, 321(P)(114), 321.1(I)(114), and 331(V)(114))

Tax Credits for Inventory Taxes (ACT 50)

Present law provides an income and franchise tax credit for ad valorem taxes paid on inventory to political subdivisions.

If the amount of the credit exceeds the tax liability, present law authorizes a full refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are (i) less than or equal to \$500,000, if the business formed or first registered prior to April 16, 2016, or (ii) less than \$10,000, if the business formed or first registered after April 15, 2016.

Present law authorizes a partial refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are (i) more than \$500,000, but less than or equal to \$1 million, if the business formed or first registered prior to April 16, 2016, or (ii) more than \$10,000, but less

than or equal to \$1 million, if the business formed or first registered after April 15, 2016. Seventy-five percent of the excess credit is refundable to the taxpayer, and the remaining 25% of the excess credit is carried forward against subsequent tax liability for up to five years.

Present law authorizes a partial refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are more than \$1 million. Seventy-five percent of the first \$1 million of the excess credit is refundable to the taxpayer, and the remaining amount of the excess credit is carried forward against subsequent tax liability for up to five years.

Prior law provided that if the taxpayer is a manufacturer and the credit exceeds the amount of tax liability for the year, the excess credit may only be carried forward as a credit against future La. income or corporate franchise taxes for no more than five years and is not refundable.

New law extends the five-year period the nonrefundable portion of the excess credit may be carried forward to a ten-year period.

Prior law authorized the secretary of the Dept. of Revenue to promulgate certain administrative rules relative to the credit. New law repeals prior law.

Effective January 1, 2021.

(Amends R.S. 47:6006(B))

Tax Credits for Inventory Taxes (ACT 59)

Present law provides an income and franchise tax credit for local ad valorem taxes on inventory paid by manufacturers and retailers.

Present law provides that if the amount of the credit exceeds the tax liability, prior law authorized a full refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are (i) less than or equal to \$500,000, if the business formed or first registered prior to April 16, 2016, or (ii) less than \$10,000, if the business formed or first registered after April 15, 2016.

Present law authorizes a partial refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are (i) more than \$500,000, but less than or equal to \$1 million, if the business formed or first registered prior to April 16, 2016, or (ii) more than \$10,000, but less than or equal to \$1 million, if the business formed or first registered after April 15, 2016. Seventy-five percent of the excess credit is refundable to the taxpayer, and the remaining 25% of the excess credit is carried forward against subsequent tax liability for up to five years.

Present law authorizes a partial refund of the excess credit when the taxpayer's ad valorem taxes in the taxable year are more than \$1 million. Seventy-five percent of the first \$1 million of the excess credit is refundable to the taxpayer, and the remaining amount of the excess credit is carried forward against subsequent tax liability for up to five years.

New law additionally, for tax year 2020 *only*, authorizes a full refund of the excess credit amounts for ad valorem taxes paid on inventory in tax year 2020 if the total ad valorem taxes paid by the taxpayer are \$1 million or less and the taxpayer employed a minimum of 100 full-time employees at each location in the state for at least one month within each of the first three quarters of calendar year 2020.

Effective upon signature of the governor (November 5, 2020).

(Adds R.S. 47:6006(G))

Tax Credits for Inventory, Ship, and Public Service Property Taxes (ACT 56)

Present law provides for income and corporation franchise tax credits for certain ad valorem taxes paid on inventory, on offshore vessels, and by telephone companies for public service properties.

Prior law credit provisions allowed taxpayers to claim the credits for ad valorem taxes paid only on the income tax return filed for the tax year in which the eligible ad valorem taxes are paid.

New law provides that taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for one of the three ad valorem tax credits but that pay eligible ad valorem taxes after December 31, 2020, shall treat these taxes as having been paid on December 31, 2020, for purposes of the applicable credit, provided that the payments are made to the local tax collector on or before April 15, 2021.

New law prohibits taxpayers that make this election from also claiming these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.

Effective upon signature of the governor (November 5, 2020).

(Adds R.S. 47:6006(G), 6006.1(H), and 6014(G))

New Market Jobs Act – Tax Credits (ACT 1)

Present law provides for a tax credit against insurance premium tax that is based on the investment of private capital in a low-income community business located in Louisiana.

Prior law defined "qualified active low-income community business" a business located in a census tract with a poverty rate of at least 20% or a with a median income that does not exceed 80% of the benchmark median income, and that has an applicable NAICS code of 11, 21, 23, 31, 32, 33, 42, 48, 49, 54, 56, 62, 72, or 81 and no more than 250 employees or the number of employees set forth for the business's NAICS code sector.

New law further defines "qualified active low-income community business" to include businesses in the recovery zone that are not located in a low-income community and defines "recovery zone" as those parishes declared by FEMA to be eligible for both individual and public assistance due to Hurricane Laura.

Present law includes a recapture condition for investments made on or after August 1, 2020, if there has been a failure to invest an amount equal to 100% of the purchase price of the investment within nine months of the issuance of the

investment or less than 50% of the purchase price was invested in "impact businesses".

Prior law defined "impact business" as qualified active low-income community business either located in a rural parish (population of less than 100,000) or more than 50% owned by women, minorities, or military veterans.

New law adds businesses located in the recovery zone to the definition of "impact business".

Effective upon signature of the governor (October 16, 2020).

(Amends R.S. 47:6016.1)

Tax Credits for Annual State ATC Fees for Restaurants and Bars (ACT 60)

New law authorizes a one-time refundable income tax credit for a portion of annual state license or permit fees imposed by the commissioner of alcohol and tobacco control and paid by the owners or operators of restaurant establishments and establishments licensed to sell or serve alcoholic beverages for consumption on their premises by paying customers.

New law provides that the amount of the credit shall equal the amount of the annual state license or permit fee for calendar year 2020 attributable to months in which the license or permit holder was closed due to a COVID-19 related gubernatorial proclamation.

If a license or permit is issued on a two-year basis, the credit shall be allowed if any part of the license or permit authorized the business to be operational during calendar year 2020 and the credit will be the amount of the fee attributable to a closure due to a COVID-19 related gubernatorial proclamation.

New law is applicable to income taxable periods beginning on Jan. 1, 2020, through Dec. 1, 2020.

Effective upon signature of the governor (November 5, 2020).

(Adds R.S. 47:6041)

TITLE 48: ROADS, BRIDGES AND FERRIES

RTA and LASERS (ACT 8)

Prior law provided that all permanent non-management employees of Regional Transit Authority (RTA) were classified employees in the state civil service system and as such eligible to participate in the Louisiana State Employees' Retirement System (LASERS).

New law provides that no RTA employee covered by a collective bargaining agreement or who is in another retirement plan will be considered a classified employee in the state civil service system and as such will not be eligible to participate in LASERS.

New law requires the RTA to remit to LASERS that portion of the system's unfunded accrued liability existing on June 30, 2021, attributable to the RTA. New law further provides that the amount due will be determined by the LASERS actuary and will be amortized over 10 years.

Effective upon signature of the governor (October 22, 2020).

(Amends R.S. 48:1655)

TITLE 49: STATE ADMINISTRATION

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

Foreign Trade Zones (ACT 29)

Prior law authorized numerous entities to make application to be designated as a foreign trade zone and to establish, maintain, and operate as a foreign trade zone, including any port commission or any port, harbor, and terminal district.

New law adds the Plaquemines Port, Harbor and Terminal District by name.

New law replaces the by-name listing of the Livingston-Tangipahoa Parishes Port Commission with the South Tangipahoa Parish Port Commission.

Effective upon signature of the governor (October 28, 2020).

(Amends R.S. 51:61, 64, and 65)

Enterprise Zone and Quality Jobs Incentives (ACT 41)

Present law provides for enterprise zone incentives and requires that companies meet certain job creation requirements to qualify.

New law requires the Department of Economic Development (Department) to provide an option to companies with an active agreement to extend the time period for the creation of new jobs for an additional 12 months due to the impacts of COVID-19 and hurricanes Laura and Delta.

New law provides the option is available only to companies that have an executed enterprise zone incentive contract with a due date impacted by COVID-19 Emergency Proclamations, Hurricane Laura, or Hurricane Delta and that notify the Department of their preference in writing prior to the original certification due date, but not later than December 31, 2021.

New law requires companies to notify the Department in a manner consistent with the provisions of the existing contract.

Present law provides for quality jobs incentive rebates and requires that an employer applying for rebates meet certain job creation requirements.

New law requires the Department to provide an option to employers with an active agreement to extend the third annual rebate filing period for an additional 12 months due to the impacts of COVID-19 and hurricanes Laura and Delta.

New law provides the option is available only to employers that have an executed quality jobs incentive rebate contract with a due date impacted by COVID-19 Emergency Proclamations, Hurricane Laura, or Hurricane Delta and that notify the Department of their preference in writing prior to the original certification due date, but not later than December 31, 2021.

New law requires employers to notify the Department in a manner consistent with the provisions of the existing contract.

Effective upon signature of the governor (October 28, 2020).

(Adds R.S. 51:1787(B)(5)(f) and 2455(I))

Digitized ID Cards (ACT 21)

Present law authorizes a resident to have a digitized driver's license or identification card provided by the Dept. of Public Safety and Corrections, office of motor vehicles, as an alternative to a physical driver's license or identification card (R.S. 32:411).

New law requires a person who is engaged in trade or commerce to accept the state-issued digitized identification card of a consumer as a valid form of identification when identification is requested for the purpose of proving the consumer's identity or age.

New law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the state-approved application on a mobile device is not a valid digitized identification card.

New law specifies that display of a digitized identification card does not serve as consent or authorization for a person to view, search, or access any other data or application on the mobile device and requires that a person promptly return the mobile device to the consumer once the person has had an opportunity to verify the consumer's identity or age and current status of the license or identification card.

New law absolves the state and any of its agencies from liability as a result of the use or misuse of a digitized identification card.

New law authorizes the La. Gaming Control Board, La. State Racing Commission, and office of alcohol and tobacco control to take actions as deemed necessary to ensure respective licensees' compliance with the provisions of new law.

New law does not apply to a location of business where a physical copy of an individual's current driver's license, valid passport, or visa issued by the federal government or another country or nation, or other card of identity is held for lawful compliance purposes.

New law provides that federally insured depository institutions are not required to accept a digitized identification card as a valid form of identification. Such institutions may exercise the option to accept digitized identification.

New law provides that certain entities licensed by the La. Gaming Control Board, including casinos, official gaming establishments, or other establishments providing gaming operations, are not required to accept a digitized identification card as a valid form of identification. Such licensees may exercise the option to accept digitized identification.

New law provides that certain entities licensed by the La. State Racing Commission are not required to accept a digitized identification card as a valid form of identification. Such licensees may exercise the option to accept digitized identification.

(Adds R.S. 51:3211-3214)

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES