2021 LOUISIANA

LEGISLATIVE ACTS

SUMMARY

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Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2021, 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 appendices contain various summaries prepared by other organizations, as well as a very brief summary of all of the Acts passed in 2021 in Act number order.

Warning

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

Effective Dates of Acts

Under La. Const. Art. 3, Section 19, except as may be otherwise specified in an act itself, (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.

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

Peggy Field Shearman – implemented edits of numerous staff summaries; inserted summaries into proper order.

Julia Budde – implemented edits of numerous staff summaries.

Lauri Shea – searched for summaries by other organizations.

Mike Landry – edited legislative staff summaries for inclusion in book, searched for summaries by other organizations, and provided design and oversight.

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CONSTITUTION

Income Tax Top Rate and Deduction (ACT 134)

Present constitution provides that the individual income tax rates and brackets shall not exceed those rates and brackets in effect as of Jan. 1, 2003, which are as follows for single taxpayers:

(1) 2% on the first $12,500 of net income.

(2) 4% on the next $37,500 of net income.

(3) 6% on net income in excess of $50,000.

Proposed constitutional amendment reduces the maximum allowable rate of individual income tax from 6% to 4.75%.

Proposed constitutional amendment removes references to 2003 individual income tax rates and brackets.

Present constitution requires a deduction of the full amount of federal income taxes paid for all state income taxes.

Proposed constitutional amendment permits, but does not require, a deduction for federal income taxes paid.

To be submitted to the voters at the statewide election to be held on October 9, 2021.

(Amends Const. Art. VII, §4(A))

Waiver of Water Charges (ACT 155)

Present constitution prohibits the state and any political subdivision from loaning, pledging, or donating its funds, credit, property, or things of value, with exceptions.

Proposed constitutional amendment provides that present constitution does not prevent a local government from waiving charges for water if the charges are the result of water lost due to damage to the water delivery infrastructure and that damage is not the result of any act or failure to act by the customer.

To be submitted to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. VII, §14(B))

Ad Valorem Tax Authority (ACT 133)

Present constitution establishes the mechanism by which ad valorem property tax millage rates are automatically adjusted in response to changes in the tax base resulting from reassessment or a change in the homestead exemption. Both the millage rate imposed in the year before the change in the base, as well as the maximum authorized millage rate, are adjusted so that the same amount of taxes is collected in the year after reappraisal as was collected in the prior year.

Present constitution authorizes an increase in a millage rate up to the prior year's maximum authorized rate by 2/3 vote of the taxing authority's governing body without voter approval. The maximum authorized rate is adjusted every four years due to statewide reassessment and may also be adjusted due to a change in the homestead exemption.

Proposed constitutional amendment allows a taxing authority to increase its millage rate up to the maximum authorized millage rate approved by the constitution and approved by the taxing authority until the authorized millage rate expires, rather than the present constitution's maximum authorized rate in effect the prior year.

To be submitted to the voters at the statewide election to be held on November 8, 2022.

(Amends Const. Art. VII, §23(C))

Levee District Taxing Power (ACT 132)

Present constitution provides that for the purpose of constructing and maintaining levees and for all other purposes incidental thereto, the governing authority of a levee district created before January 1, 2006, may levy an annual tax not to exceed five mills, except the Board of Levee Commissioners of the Orleans Levee District, which may levy an annual tax not to exceed two and one-half mills,

on all taxable property situated within the alluvial portions of the district subject to overflow.

Present constitution provides that if the necessity to raise additional funds arises in any levee district created before January 1, 2006, for any purpose related to its authorized powers and functions, the tax may be increased. However, the tax increase shall take effect only if approved by a majority of the electors voting in an election held for that purpose.

Present constitution provides that for any purpose set forth in present constitution for levee districts, the governing authority of a levee district created after January 1, 2006, may annually levy a tax on all property not exempt from taxation situated within the alluvial portions of the district subject to overflow. However, a district shall not levy a tax nor increase the rate of a tax unless the levy or the increase is approved by a majority of the electors of the district who vote in an election held for that purpose.

Proposed constitutional amendment applies the five mill limitation, except for the Orleans Levee District, to all levee districts, except those created after January 1, 2006, in which a majority of the electors in the district failed to approve the constitutional amendment in an election held on Oct. 9, 2021, or a levee district created after Oct. 9, 2021.

To be submitted to the voters at the statewide election to be held on October 9, 2021.

(Amends Const. Art. VI, Sec. 39)

Sales Tax Commission (ACT 131)

Present law authorizes the state to levy and collect taxes on the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services as defined by law.

Present constitution authorizes the governing authority of any local governmental subdivision or school board to levy and collect taxes on the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose.

Present constitution requires all political subdivisions which levy sales and use taxes within a parish to agree among themselves to provide for the collection of their taxes by a single collector or a central collection commission.

Proposed constitutional amendment creates the State and Local Streamlined Sales and Use Tax Commission as a statewide political subdivision.

Proposed constitutional amendment further provides the Commission shall be comprised of eight members, appointed in various ways, who shall be subject to Senate confirmation.

Proposed constitutional amendment provides that the Commission shall provide for streamlined electronic filing, electronic remittance, and the collection of all sales and use taxes levied within the state, but specifies that monies collected shall be the property of the respective taxing authority.

Proposed constitutional amendment requires the Commission to issue policy advice and to develop rules, regulations, and guidance to centralize and streamline the audit process for sales and use taxpayers.

Proposed constitutional amendment provides that the Commission shall be funded by both state and local sales and use tax revenues considered by the Commission to be reasonable and necessary costs of administration and collection of sales and use taxes.

Proposed Constitutional amendment provides that one year following the first meeting of the Commission, the La. Sales and Use Tax Commission for Remote Sellers and the La. Uniform Local Sales Tax Board shall be abolished.

Proposed constitutional amendment provides that the powers, duties, functions, and responsibilities, and all books, papers, records,

actions, property, and employees of these entities shall be transferred to the Commission.

Proposed constitutional amendment provides that the adoption or amendment of any rule of the Commission shall require a vote of two-thirds of the members and shall be in accordance with the provisions of the Administrative Procedure Act.

Proposed constitutional amendment requires a two-thirds vote of the legislature to enact all statutory provisions relative to the duties, funding, or obligations of the Commission.

Proposed constitutional amendment provides that absent the enactment of any statutory provisions pursuant to proposed constitutional amendment, local sales and use tax collection shall be as provided for in the present constitution and state sales and use tax collection shall be as provided by law.

Proposed constitutional amendment provides any law enacting provisions pursuant to the proposed constitutional amendment shall require a two-thirds vote of the legislature, and provides that beginning on the effective date of such law, the provisions of the present constitution shall cease to be effective and shall be inapplicable, inoperable, and of no effect for the limited purposes of the proposed constitutional amendment.

To be submitted to the voters at the statewide election to be held Oct. 9, 2021. If Senate Bill No. 149 of the 2021 Regular Session does not become effective and no statewide election is held on October 9, 2021, the proposed constitutional amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2022.

(Adds Const. Art. VII, §3.1)

Governor's Power to Reduce Spending (ACT 157)

Present law authorizes the governor to unilaterally reduce state general fund appropriations to avoid a projected budget deficit, provided the reductions are only to the executive branch and reductions for an agency do not exceed 3% of the agency's total appropriation.

Present law provides that once the governor reduces total state general fund appropriations by 7/10 of 1%, he can take the following actions with approval of the Joint Legislative Committee on the Budget:

(1) Reduce statutory dedications (including constitutional funds) by up to 5%.

(2) Reduce an additional 5% of the total state general fund amount appropriated for the fiscal year.

(3) Reduce the MFP provided the reduction does not exceed 1% and does not apply to instructional activities.

Proposed constitutional amendment increases the allowable reduction to statutory dedications, including constitutional funds, from 5% to 10% of the total appropriation or allocation from the fund for the fiscal year.

To be submitted to the voters at the statewide election to be held Oct. 9. 2021.

(Amends Const. Article VII, §10(F)(2))

Investment in Equities (ACT 130)

Proposed constitution increases the maximum amount of La. Education Quality Trust Fund and Millenium Trust monies that may be invested in equities from 35% to 65%.

Present constitution authorizes the legislature to increase to 50% the maximum amount of monies in the Millennium Trust that may be invested in equities through passage of a specific legislative instrument that receives the favorable vote of two-thirds of the members of each house. Proposed constitution repeals this provision.

Present constitution creates the Artificial Reef Development Fund. Proposed constitution authorizes a maximum of 65% of monies in the fund to be invested in equities.

Present constitution prohibits the state or any of its political subdivisions from purchasing stock, but provides exceptions to this general rule.

Present constitution provides an exception to authorize funds in the Rockefeller Wildlife Refuge Trust and Protection Fund and the Russell Sage or Marsh Island Refuge Fund to be invested in equities. Proposed constitution additionally authorizes monies in the Lifetime License Endowment Trust Fund to be invested in equities.

Present constitution prohibits more than 35% of the monies in the Rockefeller and Russell Sage Funds from being invested in stock. Proposed constitution increases this cap from 35% to 65%. Further authorizes a maximum of 65% of monies in the Lifetime License Endowment Trust Fund to be invested in equities.

To be submitted to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Article VII, §§10.1, 10.8, 10.11, and 14)

Ad Valorem Taxes and Homestead Exemption (ACT 129)

Present constitution requires property subject to ad valorem taxes to be listed on the assessment rolls at its assessed value, which is a percentage of its fair market value, and requires all property subject to taxation to be reappraised and valued at intervals of not more than four years.

Present constitution authorizes a four-year phase-in of increases in the assessed value of residential property subject to the homestead exemption if the assessed value of immovable property increases by an amount which is greater than 50% of the property's value in the previous year.

Proposed constitutional amendment retains present constitution, but limits, in Orleans Parish only, the amount of the increase in the assessed value of residential immovable property subject to the homestead exemption to no more than 10% of the property's assessed value in the previous year, which shall become the adjusted assessed value. In each year thereafter, the adjusted assessed value shall increase by no more than 10% of the previous year's adjusted assessed value. The adjusted assessed value shall never exceed the assessed value determined by the most recent reappraisal.

Proposed constitutional amendment requires the assessed value of the homestead, as determined by the most recent reappraisal before the adjustment in assessed value, to be included as taxable property in excess of the homestead exemption for purposes of any subsequent reappraisal and valuation for millage adjustment purposes under the present constitution.

Proposed constitutional amendment provides that the decrease in the total amount of ad valorem tax collected in Orleans Parish as a result of the adjusted assessed valuation shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment, except for the millage adjustment authorized in present constitution, which shall not be in excess of the prior year's maximum authorized millage.

Proposed constitutional amendment prohibits implementation of the adjustment to the assessed valuation from triggering or causing a reappraisal of property.

Proposed constitutional amendment shall not apply to the transfer or conveyance of ownership of the property. However, following a transfer or conveyance, the ad valorem taxes on the property shall be based on the fair market value of the property as determined at the most recent reappraisal of the property. The provisions of proposed constitutional amendment shall not apply to the extent the increase is attributable to construction on or improvements to the property.

Proposed constitutional amendment requires written notices of tax due issued by the collector to be based on the adjusted assessed value of the property.

Effective Jan. 1, 2023, and applicable to tax years beginning on or after Jan. 1, 2023.

To be submitted to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. VII, §18(F))

Civil Service and Politics (ACT 156)

Present constitution prohibits employees in the classified service of the state, New Orleans, and the fire and police civil service systems, and certain other officials associated with those systems, from engaging in various political activities.

Proposed constitutional amendment provides an exception to the present constitution, to authorize such persons to support the election of an immediate family member.

Proposed constitutional amendment defines immediate family to mean a person's parent, his stepparent, his grandparent or stepgrandparent, his spouse and his spouse's parent or stepparent, his child and his child's spouse, his stepchild and his stepchild's spouse, his grandchild and his grandchild's spouse, his stepgrandchild and his stepgrandchild's spouse, his sibling and his sibling's spouse, his stepsibling and his stepsibling's spouse, and his half-sibling and his half-sibling's spouse.

Proposed constitutional amendment defines support to mean attending events and appearing in campaign advertisements and photographs.

Proposed constitutional amendment excludes employees of the registrars of voters or employees of the elections division of the Dept. of State who are in the classified service.

To be submitted to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. X, §§9 and 20)

CIVIL CODE

Prescription (ACT 414)

Prior law provided that the revocatory action must be brought within one year of discovery of the obligor's act or failure to act, but never after three years from the act or failure to act itself, except in cases of fraud. New law removes the exception to the three-year period in cases of fraud.

Prior law provided that actions for redhibition against good faith sellers of movables and immovables, other than residential or commercial immovables, prescribed four years from delivery or one year from discovery, whichever occurred first.

Prior law provided that actions for redhibition against good faith sellers of commercial and residential immovables prescribed one year from delivery.

New law provides that actions for redhibition against good faith sellers of movables and immovables prescribe two years from delivery or one year from discovery, whichever occurs first.

Existing law provides that, unless otherwise provided by legislation, personal actions prescribe in 10 years. New law creates an exception by providing that actions for breach of the warranty of fitness for use prescribe two years from delivery or one year from discovery, whichever occurs first.

Existing law provides that actions for redhibition against bad faith sellers of movables and immovables prescribe one year from discovery. New law adds an outside time limitation of 10 years from the perfection of the contract of sale, whichever occurs first.

Existing law provides that prescription is interrupted when the seller accepts the thing for repairs and begins running again when the thing is returned to the buyer or when the buyer is notified of the seller's inability or refusal to make repairs. New law adds that this provision applies only to actions for redhibition.

Effective August 1, 2021.

(Amends C.C. Arts. 2041, 2534, and 3463)

Sexual Assault in the Workplace (ACT 411)

New law provides for liability for damages caused by an act or acts of sexual assault in the workplace for the perpetrator of the sexual assault.

New law defines acts of sexual assault as provided in R.S. 46:2184.

Existing law provides for sanctions for pleadings not verified or certified by an attorney.

New law provides for an amount of court costs, reasonable attorney fees, and other related costs to the defendant, as well as other sanctions and relief under C.C.P. Art. 863, for frivolous or fraudulent claims.

New law provides for a liberative prescriptive period of three years as provided in C.C. Art. 3496.2.

Effective August 1, 2021.

(Adds C.C. Art. 2315.11)

CODE OF CIVIL PROCEDURE

Civil Procedure (ACT 259)

Prior law provided that prescription must be pleaded and cannot be supplied by the courts. New law creates an exception where legislation provides otherwise.

Existing law sets forth the venue for actions involving immovable property. New law removes an outdated exception that previously allowed a defendant to convert a personal action into an in rem action by objecting to venue.

Existing law provides for the transfer of pending cases and includes an exception for cases being transferred to effect a consolidation. New law adds that consolidations can be effected for purposes other than trial under new law.

Existing law provides the procedure for certification of class actions. New law makes minor semantic changes.

Prior law prohibited the certification of a class after a judgment on the merits of common issues had been rendered against the party opposing the class. New law deletes prior law.

Existing law provides for the pleading of damages and permits the court to award attorney fees and costs against the party who filed the petition. New law permits the court to award attorney fees and costs against the person who signed the petition, the party on whose behalf the petition was filed, or both. New law also makes minor semantic changes.

Existing law provides that prescription must be pleaded and cannot be supplied by the courts. New law creates an exception where the C.C.P. provides otherwise.

Prior law set forth a restriction on the issuance of a subpoena when the witness resided and was employed outside of the parish and more than 25 miles from the courthouse. New law removes the restriction.

Existing law provides for the consolidation of actions for trial. New law adds that actions may be consolidated for other limited purposes, such as discovery.

Existing law provides the procedure for the confirmation of a preliminary default and the rendition of a final default judgment. New law adds that the court may raise an objection of prescription before entering a final default judgment, when the demand is based on an open account, promissory note, or other negotiable instrument that the plaintiff acquired by assignment.

Prior law set forth the circumstances under which the jury may take written instructions and evidence into the jury room. New law deletes the requirement under prior law that the jury may only take evidence into the jury room when a physical examination thereof is required to enable the jury to arrive at a verdict.

Existing law permits the jury to review certain testimony or other evidence. New law adds that

the review of the requested testimony shall be conducted in the courtroom.

Existing law requires final judgments to be identified as such by appropriate language. New law also requires final judgments to be signed and dated and to contain the name of the party in favor of whom relief is awarded, the name of the party against whom relief is awarded, and the relief that is awarded. New law provides that a final judgment that does not satisfy these requirements shall be remanded to the trial court for amendment within the time period set by the appellate court.

Existing law permits a final judgment to be amended to alter its phraseology or to correct errors of calculation. New law also permits a final judgment to be amended to correct deficiencies in decretal language.

Existing law provides that the delay for applying for a new trial commences to run on the day after notice of judgment has been mailed or served. New law adds that a party may file a motion requesting a new trial not later than seven days, exclusive of legal holidays, after notice of judgment has been mailed or served.

Existing law sets forth the matters over which the trial court retains jurisdiction while an appeal is pending. New law adds the right to set attorney fees, to make a certification under C.C.P. Art. 1915(B), and to amend a judgment to add proper decretal language.

Existing law provides with respect to the wrongful or improper seizure of a debtor or third party's property. New law removes unnecessary language and updates outdated cross-references.

Existing law provides for the delays within which appeals from judgments awarding custody, visitation, or support must be taken. New law extends its application to judgments awarding, modifying, or denying custody, visitation, or support.

Existing law provides for the confirmation of the name of a married woman in a divorce proceeding. New law changes existing law by using gender neutral terminology.

Existing law provides the procedure for the rendition of a final default judgment in parish and city courts. New law adds that the court may raise an objection of prescription before entering a final default judgment, when the demand is based on an open account, promissory note, or other negotiable instrument that the plaintiff acquired by assignment.

Existing law provides that when notice of judgment is required, the delay for applying for a new trial shall commence to run on the day after notice of judgment has been mailed or served. New law adds that when notice of judgment is required, a party may file a motion requesting a new trial not later than seven days, exclusive of legal holidays, after notice of judgment has been mailed or served.

Prior law provided that justice of the peace courts have no jurisdiction over a claim for annulment of marriage, separation from bed and board, divorce, separation of property, or alimony. New law replaces "alimony" with "spousal support" and adds custody, visitation, and child support.

Existing law provides the procedure for the rendition of a final default judgment in justice of the peace courts. New law adds that the court may raise an objection of prescription before entering a final default judgment, when the demand is based on an open account, promissory note, or other negotiable instrument that the plaintiff acquired by assignment.

Prior law required that appeals from judgments rendered by city and parish courts be taken to the court of appeal, except that in city courts located in the 19th JDC, the appeal was required to be taken to the applicable district court. New law removes the exception under prior law for city courts located in the 19th JDC, such that appeals from judgments rendered by these courts shall also be taken to the court of appeal.

Prior law set forth the fees owed to witnesses who are subpoenaed to attend court more than 25 miles from where they reside and are employed,

including travel expenses to and from the courthouse at the rate of 20¢ per mile, a witness fee of $25 per day, and hotel and meal expenses at the rate of $5 per day.

New law removes the 25-mile requirement and increases the fees owed to witnesses for travel expenses from 20¢ per mile to the rate in effect for state officials and for attendance from $25 per day to $50 per day. New law deletes the reimbursement of $5 per day for hotel and meal expenses and provides the court with the discretion to increase the amount paid to witnesses in cases of exceptional hardship.

Effective August 1, 2021.

(Amends C.C. Art. 3452, C.C.P. Arts. 80, 253.2, 592, 893, 927, 1352, 1561, 1702, 1793, 1795, 1918, 1951, 1974, 2088, 2254, 2721, 3943, 394), 4907, 4913, and 5001, and R.S. 13:3661; Adds C.C.P. Arts. 4904(D) and 4921(C))

Recusal of Judges (ACT 143)

New law adds an additional ground requiring a judge to be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.

New law changes the prior law permissive grounds for recusal to disclosures that are required to be made by the judge to all attorneys and unrepresented parties.

New law removes the requirement under prior law that the judge's relative with a substantial economic interest in the cause be living in the judge's household and provides that any party may file a motion to recuse the judge if the disclosed information gives rise to a ground for recusal.

New law provides that the judge is required to disclose if he is related within the second degree to a member of the law firm of the attorney appointed to the case.

Prior law provided for the recusal of a judge on his own motion or by the supreme court and required a judge who self-recused to provide the ground for recusal in writing within 15 days.

New law requires a judge who self-recuses to contemporaneously file into the record the order of recusal and the written reasons therefor and to also provide a copy to the judicial administrator of the supreme court.

Prior law required a motion to recuse to be filed prior to trial or hearing, or if the facts were discovered after the trial or hearing, immediately after the facts were discovered but prior to judgment.

New law requires a motion to recuse to be filed no later than 30 days after the facts are discovered, but in all cases prior to the scheduling of the matter for trial, unless the facts occur or could not have been discovered prior to this deadline, in which case the motion to recuse shall be filed immediately after the occurrence or discovery of the facts.

New law also provides that if a motion to recuse is not timely filed or fails to set forth a ground for recusal, the judge who is the subject of the motion may deny it without the appointment of another judge or a hearing, provided that the judge provides written reasons for the denial.

Prior law permitted judges from the same court as the judge who was the subject of the motion to hear both the motion to recuse and the cause if the judge was ultimately recused, and in single judge districts, allowed the judge who was the subject of the motion to select a judge from an adjoining district or a lawyer in the judicial district who had the qualifications of a district judge.

Prior law permitted a party to apply to the supreme court for the appointment of another judge to try the cause.

New law provides that in all cases, motions to recuse shall be heard by an ad hoc judge appointed by the supreme court.

New law provides that when a district court judge of a court having two or more judges is recused, the cause shall be randomly assigned to another division or section of the court, but in single judge districts, the cause shall be assigned to an ad hoc judge appointed by the supreme court.

Existing law provides for the recusal of a supreme court justice and allows the court to either have the cause argued before and disposed of by the other justices or appoint a judge having the qualifications of a supreme court justice to act for the recused judge.

New law clarifies that the judge who is appointed to act for the recused judge can either be a sitting or retired judge.

Prior law provided for the recusal of a court of appeal judge and allowed the motion to recuse to be heard by the other judges on the panel or the remaining judges of the court sitting en banc. Prior law provided that when a court of appeal judge was recused, the court could either have the cause argued before and disposed of by the other judges on the panel or appoint a judge having the qualifications of a court of appeal judge to act for the recused judge.

New law requires the motion to recuse to be heard by an ad hoc judge appointed by the supreme court and provides that when a court of appeal judge is recused, the court must randomly allot another of its judges to sit on the panel in place of the recused judge.

Prior law provided with respect to motions to recuse parish and city court judges and justices of the peace, but did not specify how the motion was to be made. New law requires the motion to recuse to be in writing.

Existing law provides that in parish or city courts having more than one judge, both the motion to recuse and the cause shall be tried by another judge of the same court.

Prior law provided that in all other cases, the motion to recuse was tried by the district court, and if the judge was recused, the district court would have either tried the cause or appointed another judge to try the cause.

New law provides that in parish or city courts having more than one judge, the motion to recuse shall be tried by another judge of the same court, and in all other cases, the motion to recuse shall be tried by an ad hoc judge appointed by the supreme court.

Prior law allowed a parish or city court judge who recused himself to appoint another judge of the same court, if the court had more than one division, or to appoint a judge from an adjoining parish or an attorney who had the qualifications of a parish or city court judge to try the cause. Prior law allowed a justice of the peace who recused himself to appoint another justice of the peace to try the cause.

New law provides that when a parish or city court judge recuses himself or is recused, another judge of the same court shall be appointed to try the cause if that court has more than one division, and in all other cases, the cause shall be tried by an ad hoc judge appointed by the supreme court. New law provides that when a justice of the peace recuses himself, the cause shall be tried by a justice of the peace appointed by the supreme court.

Effective August 1, 2021.

(Amends C.C.P. Arts. 151-159, the heading of Chapter 3 of Title I of Book VIII of the C.C.P., and C.C.P. Arts. 4861, 4862, 4863, 4864, 4865, and 4866)

Interpreter Costs (ACT 207)

Present law requires the court to order payment out of the court fund to the interpreter for his services at a fixed reasonable amount in civil proceedings, except in cases of domestic abuse where a protective order is sought.

Prior law specified that the amount paid out of the court fund may be taxed by the court as costs of court to be reimbursed to the fund.

New law eliminates the authorization that the amount paid out of the court fund to the interpreter be cast as court costs to be reimbursed to the fund.

New law eliminates the authorization for the court to cast as court costs the amount paid to interpreters in cases of domestic abuse when a protective order is sought.

Effective upon signature of the governor (June 11, 2021).

(Amends C.C.P. Art. 192.2(B))

Orders and Judgments; Pleadings; Service; More (ACT 68)

Old law provided for the adoption of rules by a court, including that a special session of court may be called during vacation, and required rules adopted by a district court to be printed in pamphlet form and provided to any attorney who requests a copy of the rules. New law repeals the provision that a special session of court may be called during vacation and the requirement that district court rules must be printed in pamphlet form.

Old law set forth the orders and judgments that may be signed by the district judge in chambers. New law allows the orders and judgments set forth under present law to be signed in any place where the district judge is physically located.

Present law sets forth the judicial proceedings that may be conducted by the district judge in chambers. New law adds the ability to conduct these judicial proceedings by audio-visual means.

Old law allowed the district court or a court of limited jurisdiction to sign orders and judgments while outside of its jurisdiction during an emergency or disaster and required the court to indicate the location where the order or judgment was signed. New law repeals the restriction concerning emergencies or disasters and the requirement that the judge shall indicate the location where the order or judgment was signed.

Present law requires every pleading to contain the physical address of the party or the party's attorney for service of process. New law further requires every pleading to contain the email address of the party, if it has an email address, or the email address of the party's attorney for service of process.

Present law requires petitions to designate an address for receipt of service of all items involving the litigation. New law adds the requirement that petitions designate both a physical address and an email address for receipt of service of all items involving the litigation.

Present law provides that service of a pleading or order setting a court date shall be made by registered or certified mail or by the sheriff or a commercial courier. New law adds that service of a pleading or order setting a court date may also be made by emailing the document to the designated email address. New law provides that such service shall be complete upon transmission provided that the sender receives an electronic confirmation of delivery.

Old law sets forth the judicial acts or proceedings that may be conducted by the district court during vacation. New law repeals old law.

Old law excludes laws governing adoption, divorce, or other matters of family law from the scope of Louisiana Uniform Electronic Transactions Act. New law repeals old law.

Effective Jan. 1, 2022.

(Amends C.C.P. Arts. 193, 194, 195, 196.1, 863, 891, and 1313 and R.S. 9:2603; Repeals C.C.P. Art. 196)

Time for Responding; Default Judgments (ACT 174)

Existing law authorizes the duty judge to hear and sign certain orders and judgments. New law removes entry of preliminary defaults and confirmation of defaults and adds default judgments.

Prior law required the defendant to file his answer within 15 days after service of citation and within 10 days after an exception was overruled or referred to the merits or the amended petition was served. New law extends the time periods provided under prior law from 15 to 21 days and from 10 to 15 days.

New law provides that if a discovery request is served by the plaintiff with the petition, the defendant shall have 30 days within which to file his answer.

New law requires the plaintiff to file a written request for default judgment.

New law requires the plaintiff to send notice of his intent to obtain a default judgment before the court can render a default judgment against the state or its political subdivisions or any of its instrumentalities. New law extends the time period within which the answer or other pleading shall be filed from 15 to 21 days.

Prior law provided with respect to the confirmation of preliminary defaults in workers' compensation cases. New law provides for the rendition of a default judgment in favor of a plaintiff who establishes a prima facie case when the defendant fails to answer or file other pleadings within the prescribed time.

New law provides that a default judgment may be rendered against the defendant, provided that the plaintiff provides notice of his intent to obtain a default judgment if required and unless such notice is waived, pursuant to new law.

New law requires the plaintiff to provide notice of his intent to obtain a default judgment against the defendant in certain circumstances at least seven days prior to the rendition of the default judgment, unless notice is waived.

Prior law required notice to be sent by regular mail to the defendant.

New law requires that the plaintiff send notice of his intent to obtain a default judgment against the defendant by certified mail if the defendant is represented by an attorney or counsel of record.

New law provides that in all cases involving delictual actions the plaintiff may send notice of his intent to obtain a default judgment by regular mail at the address where service was obtained, if the defendant is not represented by an attorney or counsel of record.

New law provides that in cases involving divorce under C.C. Art. 103(1), when the defendant files an affidavit waiving citation, service, all delays, and notice, a default judgment of divorce may be rendered against the defendant two days, exclusive of legal holidays, after the affidavit is filed.

New law provides that notice of the signing of a default judgment shall be given as provided in C.C.P. Art. 1913.

Prior law provided with respect to the entry of preliminary defaults. New law repeals prior law.

Prior law provided for the rendition of preliminary defaults in workers' compensation cases. New law repeals prior law.

New law updates terminology used in existing law.

Effective January 1, 2022.

(Amends C.C.P. Arts. 253.3, 284, 928, 1001, 1002, 1471, 1702, 1702.1, 1703, 1704, 1843, 1913, 2002, 4904, 4921, 4921.1, and 5095, R.S. 13:3205 and 4990, and R.S. 23:1316.1; Repeals C.C.P. Art. 1701 and R.S. 23:1316)

Court Costs (ACT 382)

Present law requires generally that when a case has been set for trial, the court shall fix the amount of the bond to cover all costs related to the trial by jury. New law adds that the costs are to be estimated by the court.

Present law provides that when a case has been set for trial, the court may order, in lieu of the bond required in Article 1734, a deposit for costs, which shall be a specific cash amount.

Prior law required that the deposit not exceed $2,000 for the first day and $400 per day for each additional day the court estimates the trial will last. New law increases the maximum deposit to $5,000 for the first day and $1,000 per day for each additional day the court estimates the trial will last.

New law requires that when the deposit has been filed, the clerk of court shall order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with law.

Present law requires that the clerk keep a record of funds disbursed by him from the cash deposit. Present law authorizes the court to require an additional amount to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. Present law requires that funds disbursed from the cash deposit for payment of jury costs be assessed as costs of court.

Prior law required that after payment of all jury costs, any unexpended amounts remaining in the deposit be refunded by the clerk to the party filing the cash deposit. New law requires that any unexpended amounts remaining on deposit be refunded to the party or attorney filing the deposit.

Effective August 1, 2021.

(Amends C.C.P. Arts. 1734(A) and 1734.1)

Notice of Judicial Sale (ACT 469)

Existing law requires the publication of notice of the sale of property under a writ of fieri facias to be published twice for immovable property.

New law provides that if a judicial sale of immovable property is rescheduled, the notice of sale of property shall be published once.

Effective August 1, 2021.

(Amends C.C.P. Art. 2331)

Sheriff Sale Procedure (ACT 309)

Prior law provided for the reading of advertisement and certificate of property being sold at sheriff's sales.

Prior law required that a sheriff read aloud the advertisement describing the property at a sheriff's sale.

New law provides that the sheriff shall read part of the advertisement in such sufficiency as to reasonably provide notice to the public of the property being offered for sale.

New law provides that the advertisement describing the property for sale shall include the lot and subdivision or municipal number or the section, township, and range, including some identifying mark, if appropriate, and a reference to the conveyance or mortgage recordation.

Effective August 1, 2021.

(Amends C.C.P. Art. 2334(A))

Curator's Authority over Interdict's Funds (ACT 163)

Prior law provided for the management of affairs of the interdict and provided that the relationship between the interdict and the curator is the same as that between a minor and the minor's tutor.

Prior law provided for the procedure for investing, reinvesting, or withdrawing funds on behalf of a minor and the procedure for obtaining court approval of payments made on behalf of the minor.

New law adds that a curator shall have authority to access deposit accounts held in the name of the interdict and authority to establish and maintain deposit accounts in the name of the "curator on behalf of the interdict", unless the letters of curatorship expressly limit such authority.

Effective August 1, 2021.

(Adds C.C.P. Art. 4566(K))

Partitions (ACT 27)

Present law provides for partitions by licitation and private sale. New law adds that partitions for private sales among co-owners as petitioned by a co-owner shall be prioritized.

Old law provided that private sales without the consent of all co-owners shall not be for less than two-thirds of the appraised value of the property.

New law provides that the sale shall not be for less than the appraised value of the property and clarifies that the private sale shall be executed with a court-appointed representative on behalf of the absentee or non-consenting co-owner.

Old law provided for the petition requirements for partition of property owned by an absentee, which were to describe the property and be supported by an affidavit of the petitioner or petitioner's counsel.

Old law provided for petition requirements for private sale. The petition for private sale had to describe the primary terms of the proposed sale, identify the proposed purchaser, including whether the proposed purchaser is related to any co-owner, and disclose to the petitioning co-owners whether there are any costs associated with the sale that will be paid to any person related to the petitioning co-owners within the fourth degree or a juridical entity in which a co-owner has a direct or indirect financial interest.

New law provides that the partition petition among co-owners shall have priority status for consideration by the court. The petition shall describe the primary terms of the proposed sale, identify the proposed purchaser and whether the proposed purchaser is a co-owner or third party, declare the source of funds to be used in the sale, and if the proposed purchaser is a juridical entity, disclose whether any co-owner has a relationship with that entity.

New law provides that upon judgment ordering the sale, payment shall be made using certified funds within 24 hours.

Present law provides for the publication of the notice of partition proceeding. The notice shall notify the absent defendant that the plaintiff is seeking to have the property partitioned and that the absent defendant has 15 days from the date of the publication of initial notice to answer the plaintiff's petition.

New law adds that the partition by licitation or by private sale is to be governed by Chapters 1 and 2 of Title IX of Book VII of the Code of Civil Procedure.

Present law provides for trial and judgments related to the partition of co-owned property. New law adds that the absentee or non-consenting co-owner shall be represented by a court-appointed representative, who may also be a co-owner.

(Amends C.C. Art. 811 and C.C.P. Arts. 4607, 4622, 4624, and 4625)

Sulphur City Court (ACT 251)

Prior law provided that in the City Court of Sulphur, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed $25,000.

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

Effective August 1, 2021.

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

In Forma Pauperis (ACT 416)

Existing law provides for the filing of an application to proceed in forma pauperis and permits the court to grant the application and allow the applicant to proceed without the payment of costs in advance.

New law requires the court to do one of three things upon the filing of an application to proceed in forma pauperis: (1) grant the application, (2) deny the application and provide written reasons

for the denial, or (3) set the matter for a contradictory hearing.

Existing law sets forth a rebuttable presumption that the applicant is entitled to proceed in forma pauperis if the applicant is receiving public assistance benefits or if the applicant's income is less than or equal to 125% of the federal poverty level.

New law requires a court that finds that this presumption has been rebutted to provide written reasons for its finding.

Existing law sets forth the rights of a party who has been permitted to litigate without the payment of costs in advance until the order granting the application to proceed in forma pauperis is rescinded.

New law recognizes the possibility that the order granting the application to proceed in forma pauperis may expire in accordance with local court rules.

New law gives the party proceeding in forma pauperis the right to have a judgment or order filed and to receive a certified copy of such judgment or order.

Effective August 1, 2021.

(Amends C.C.P. Arts. 5183 and 5185)

CODE OF CRIMINAL PROCEDURE

Criminal Court Electronic Filings (ACT 341)

Existing law provides that civil court filings may be transmitted electronically in accordance with a system established by a clerk of court or by the La. Clerks' Remote Access Authority, and provides that when such a system is established, the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit.

Existing law provides that the official record shall be the electronic record and that a pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system if the clerk of court accepts the electronic filing.

New law adopts for criminal court filings the same authorization as for existing law civil court electronic filings.

Effective August 1, 2021.

(Adds C.Cr.P. Art. 14.1(F))

Peace Officer Arrest Criteria (ACT 240)

Prior law authorized a peace officer to issue a written summons, instead of arresting a person without a warrant, for a misdemeanor or for a felony charge of theft or illegal possession of stolen things, when the thing of value was $500 or more but less than $1,000, if all of the following existed:

(1) The officer had reasonable grounds to believe that the person would appear upon summons.

(2) The officer had no reasonable grounds to believe that the person would cause injury to himself or another or damage to property or would continue in the same or a similar offense unless immediately arrested and booked.

(3) There was no necessity to book the person to comply with routine identification procedures.

(4) If the officer issued a summons for a felony, the officer issuing the summons had ascertained that the person had no prior criminal convictions.

New law requires the peace officer to issue a written summons, instead of making an arrest, unless one or more of the following conditions exist:

(1) Reasonable grounds to believe that the person will not appear upon summons.

(2) Reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense, unless immediately arrested and booked.

(3) It is a necessity to book the person to comply with routine identification procedures.

(4) The officer issuing the summons has ascertained that the person has two or more prior felony convictions.

Prior law authorized a peace officer to issue a written summons, instead of making an arrest, when the officer had reasonable grounds to believe a person had committed the offense of issuing worthless checks and all of the following existed:

(1) The officer had reasonable grounds to believe that the person would appear upon summons.

(2) The officer had no reasonable grounds to believe that the person would cause injury to himself or another or damage to property unless immediately arrested.

New law requires a peace officer to issue a written summons, instead of making an arrest, unless either of the following conditions exist:

(1) The officer has reasonable grounds to believe that the person will not appear upon summons.

(2) The officer has reasonable grounds to believe that the person will cause injury to himself or another or damage to property unless immediately arrested.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 211)

Police Officer Arrest Procedure (ACT 126)

New law requires the Council on Peace Officer Standards and Training to develop guidelines and provide training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.

New law requires the guidelines and training to include various elements.

New law requires the council to work in conjunction with and receive input from appropriate non-governmental organizations and other relevant organizations that are invested in the rights of children with incarcerated parents to develop and establish the guidelines and training program.

New law provides that law enforcement officers shall not be prevented, as mandatory reporters, from reporting suspected child abuse or neglect.

New law requires state and local law enforcement officers who arrest a person to, at the time of the arrest, inquire whether the person is a parent or guardian of a minor or dependent child who may be at risk as a result of the arrest.

New law requires officers to make reasonable efforts to ensure the safety of minor or dependent children at risk as a result of an arrest in accordance with guidelines established pursuant to new law.

New law exempts law enforcement officers from adhering to guidelines in new law if any of the following circumstances are present:

(1) The arrested caregiver presents a threat of serious bodily injury or death to himself, others, or the law enforcement officer.

(2) The arrested caregiver is in the act of committing a crime of violence.

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

Effective August 1, 2021.

(Adds R.S. 40:2405.9 and C.Cr.P. Art. 223)

Constructive Surrender (ACT 197)

Prior law defined constructive surrender and provided the circumstances under which constructive surrender occurs to include when the surety had paid to the officer the reasonable costs

of returning the defendant to the jurisdiction where the warrant for arrest was issued.

New law changes prior law circumstance to when the surety has paid reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued by one of the following methods:

(1) Upon proof of the defendant's current incarceration in a foreign jurisdiction to the officer originally charged with the defendant's detention, the officer shall provide the surety with the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued when the costs are immediately known or can be estimated.

(2) The surety tenders to the officer originally charged with the defendant's detention the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued.

(3) The surety provides proof of payment to the court and to the prosecuting attorney.

(4) In cases where the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued are not immediately known, the officer originally charged with the defendant's detention shall accept the surety's tender of reasonable costs as provided in existing law for in-state transfers or for estimated costs for out-of-state transfers.

New law provides relative to the payment of costs.

New law provides for circumstances under which a surety's motion and affidavit for issuance of warrant may be filed and provides for the conditions by which the surety can file a motion to request a warrant.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 311)

Multiple Jurisdictions and Bail (ACT 243)

New law allows a person who is arrested and booked in an executing jurisdiction pursuant to a warrant for arrest issued by the originating jurisdiction to post bail in either the originating or executing jurisdiction.

New law provides the conditions by which new law may occur.

New law is not applicable to warrants for sex offenses, homicides and crimes resulting in a death or deaths, felony domestic violence offenses, and aggravated offenses.

Effective August 1, 2021.

(Adds C.Cr.P. Arts. 311(8) and (9) and 330.1)

Juror Qualifications (ACT 121)

Existing law provides for various qualifications that a person shall meet in order to serve as a juror in civil and criminal cases, including that the person not be under indictment for a felony, nor have been convicted of a felony for which he has not been pardoned by the governor.

New law amends existing law to provide that the person shall not be under an indictment, incarcerated under an order of imprisonment, or on probation or parole for a felony offense within the five-year period immediately preceding the person's jury service.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 401)

Franklin Parish Jury Commission Functions (ACT 84)

New law provides that in Franklin Parish the function of the jury commission shall be performed by the clerk of court or by a deputy clerk of court designated by the clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, be governed by all applicable

law pertaining to jury commissioners, perform the required duties and responsibilities with respect to jury venires, coordinate the jury venire process, and receive the compensation generally authorized for a jury commissioner.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 404(H))

Guilty Plea Procedure (ACT 271)

Existing law provides that the court shall not accept a plea of guilty or nolo contendere without first addressing the defendant personally in open court and informing him of, and determining that he understands, certain things including but not limited to: (1) the nature of the charges against him and the penalties for such offense; (2) that he has a right to be represented by an attorney at every stage of the proceeding against him; and (3) that if he pleads guilty or nolo contendere, he waives his right to a trial, right to confront evidence, and the right to be free of self-incrimination.

New law requires the court to inform the defendant that he may be subject to additional consequences as a result of his plea of guilty or nolo contendere.

New law requires the court or defense counsel to inform the defendant regarding all of the following: (1) potential deportation, if applicable, (2) voting rights, (3) firearm rights, (4) due process rights, and (5) equal protection rights.

New law permits the court or defense counsel to inform the defendant of the additional or potential consequences including: (1) college admissions and financial aid, (2) public housing benefits, (3) employment and licensing restrictions, (4) habitual offender sentencing, and (5) probation and parole revocation standard of proof.

New law provides that failure to adhere to new law shall not be considered an error, defect, irregularity, or variance affecting the rights of the accused and does not constitute grounds for reversal.

New law specifies that utilizing a form that conveys information to the client as provided by new law shall constitute prima facie evidence that the content was conveyed and understood.

Effective August 1, 2021.

(Adds C.Cr.P. Art. 556.1(A)(5))

Limitations Period for Crimes Against Persons with Infirmities (ACT 72)

Present law provides that no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

(1) Six years, for a felony necessarily punishable by imprisonment at hard labor.

(2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.

(3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.

(4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

Present law provides for an exception to these time limitations for the crime of exploitation of persons with infirmities, which shall not commence to run until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a competent third person.

New law provides that the time limitations shall not commence to run as to any crime wherein the victim is a person with infirmities until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a law enforcement officer.

New law provides that the exception to the time limitations shall include the following present law crimes: simple battery of persons with infirmities, cruelty to persons with infirmities, exploitation of persons with infirmities, sexual battery of persons with infirmities, and abuse of

persons with infirmities through electronic means.

(Amends C.Cr.P. Art. 573.1)

Deadline for Certain Offenses Against Minors (ACT 142)

Prior law provided that time limitations established by existing law shall not commence to run regarding an offense of aggravated battery where the victim was under seventeen years of age until the relationship or status involved ceased to exist.

New law changes applicability to when the offense charged is a felony crime of violence or cruelty to juveniles and the victim is under 18 years of age, unless a longer period of time limitation is established by another provision of law.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 573(4))

Deadline to File Bill of Information or Indictment (ACT 252)

Prior law required that a bill of information or indictment after arrest, when the defendant was in continued custody subsequent to an arrest, be filed within 45 days of the arrest when the defendant was being held for a misdemeanor.

With regard to a defendant in continued custody subsequent to an arrest and if the defendant is being held for a misdemeanor, new law amends prior law to change the amount of days within which an indictment or bill of information shall be filed from 45 to 30.

Effective January 1, 2022.

(Amends C.Cr.P. Art. 701(B)(1)(a))

Administrative Subpoenas for Human Trafficking Related Internet Accounts (ACT 18)

New law authorizes certain law enforcement agencies to issue an administrative subpoena to obtain information regarding an internet account used in the commission of human trafficking.

New law authorizes the Dept. of Public Safety and Corrections, the office of state police, the office of the attorney general, the police department, or the sheriff's office to issue in writing and serve a subpoena, requiring the production and testimony of documentation and records, upon reasonable cause that an internet service account or online identifier has been used in the commission or attempted commission of the following:

(1) A person is a victim of human trafficking or the offender reasonably believes that the person is a victim of human trafficking.

(2) A person is a victim of trafficking of children for sexual purposes or the offender reasonably believes that the person is a minor.

New law provides that the administrative subpoena may be used to obtain the electronic mail address, internet username, internet protocol address, name of the account holder, billing and service address, telephone number, account status, method of access to the internet, and the automatic number identification records if access is by modem.

New law provides that any additional information has to be obtained through other lawful process.

New law provides for the destruction of any of the information upon expiration of time limitations for prosecution.

New law provides that administrative subpoenas used pursuant to new law shall comply with federal laws governing records concerning an electronic communication service or remote computing service.

(Adds C.Cr.P. Art. 732.2)

Pleas of Not Guilty of Misdemeanor (ACT 235)

Existing law authorizes the court to permit a defendant charged with a misdemeanor to be arraigned, enter his plea of guilty, or be tried in his absence.

Prior law authorized a plea of not guilty of a misdemeanor to be entered through counsel and in the absence of the defendant.

New law provides that pleas of not guilty of misdemeanors shall be entered through counsel of record and in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

New law requires and provides the form counsel is to use when accepting service and waiving the presence of the defendant.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 833)

Effective Date for Certain Penalties (ACT 313)

Existing law relative to the financial obligations of criminal offenders was enacted by Act No. 260 of the 2017 R.S. with an effective date of Aug. 1, 2018. Subsequent Acts delayed the effective date of Act No. 260 to Aug. 1, 2021. Act No. 668 of the 2018 R.S. amended the substance of existing law with an effective date of Aug. 1, 2019, which was not amended by the 2019 Act which delayed the effective date of Act No. 260 of the 2017 R.S. to Aug. 1, 2021.

New law retains existing law but removes the uncertainty created by the delayed effective dates of multiple prior Acts.

New law specifies that the provisions of Act No. 260 of the 2017 R.S. shall become effective on Aug. 1, 2022, except that the provisions of that Act that enacted C.Cr.P. Art. 875.1 and that amended and reenacted C.Cr.P. Arts. 885.1(A), (C), and (D) and 894.4 shall never become effective.

New law provides an effective date for certain provisions of Act No. 260 of the 2017 R.S. and provides that certain provisions shall never go into effect.

New law recognizes that the provisions of Act No. 668 of the 2018 R.S. which amended and reenacted C.Cr.P. Art. 894.4 and which became effective on Aug. 1, 2019, are in effect, and that the provisions of Act No. 253 of the 2019 R.S. amending and reenacting C.Cr.P. Art. 885.1 and which became effective on Aug. 1, 2019, are in effect.

New law that enacts C.Cr.P. Art. 875.2 and that repeals C.Cr.P. Art. 875.1 shall become effective Aug. 1, 2022.

(Adds C.Cr.P. Art. 875.2; Repeals C.Cr.P. Art. 875.1)

Probation for Certain Multiple Offenders (ACT 61)

New law authorizes the court, after a defendant's fourth or subsequent conviction of a noncapital felony, to suspend the imposition or execution of a sentence upon consent of the district attorney.

Present law authorizes the court to suspend a sentence and place a defendant on probation after a first, second, or third conviction for a noncapital felony. Present law provides that the period of probation shall be specified and shall not be more than three years.

Present law provides that when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth conviction of a noncapital felony or after a third or fourth conviction of operating a vehicle while intoxicated, may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

(1) The district attorney consents to the suspension of the sentence.

(2) The court orders the defendant to do any of the following pursuant to present law:

(a) Enter and complete a program provided by the drug division of the district court.

(b) Enter and complete an established DUI court or sobriety court program.

(c) Enter and complete a mental health court program.

(d) Enter and complete a Veterans Court program.

(e) Enter and complete a reentry court program.

(f) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act.

(g) Enter and complete the Swift and Certain Probation Pilot Program.

New law amends present law to provide that after a fourth or subsequent conviction of a noncapital felony, the court may suspend, in whole or in part, the imposition or execution of the sentence upon the consent of the district attorney. New law removes the requirement for such defendants to participate in the present law speciality court programs.

New law retains the requirement of the consent of the district attorney and the defendant's participation in the present law speciality court programs for defendants with a third or fourth conviction of operating a vehicle while intoxicated.

(Amends C.Cr.P. Art. 893(B))

Discharge and Dismissal of Misdemeanors (ACT 124)

Existing law relative to misdemeanor convictions, provides that dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a prior offense and provide the basis for subsequent prosecution of the party as a multiple offender.

Prior law provided that such discharge and dismissal may occur only once with respect to any person during a five-year period.

New law removes the restriction that discharge and dismissal may occur only once with respect to any person during a five-year period.

Existing law provides that dismissal for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a 10-year period.

New law adds that discharge under existing law for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a 10-year period.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 894(B)(2))

Firearms and Crimes (ACT 349)

Prior law provided that if a motion was filed by the state in compliance with C.Cr.P. Article 893.1, a determination shall be made as to whether a firearm was discharged or used during the commission of the felony or specifically enumerated misdemeanor, or actually possessed during the commission of a felony which is a crime of violence as defined by R.S. 14:2(B).

Prior law provided that such determination is a specific finding of fact to be submitted to the jury and proven by the state beyond a reasonable doubt.

New law adds the crimes of simple burglary, simple burglary of an inhabited dwelling, and unauthorized entry of an inhabited dwelling for the determination whether a firearm was discharged, used, or possessed during the commission of such crimes.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 893.2)

Probation and Parole Fees (ACT 125)

Present law provides for a monthly supervision fee of not less $60 nor more than $100 when the court places the defendant on supervised probation.

New law adds that when the court places the defendant on unsupervised probation, it shall order as a condition of probation a monthly fee of not more than one dollar.

Present law provides that as a condition of parole, the committee on parole may require, either at the time of a prisoner's release on parole or at any time while he remains on parole, a supervision fee to be paid to the Dept. of Public Safety and Corrections in an amount not to exceed $63, which shall be based upon his ability to pay as determined by the committee on parole.

New law decreases the supervision fee to an amount not to exceed one dollar for any parolee placed on inactive status.

(Amends C.Cr.P. Art. 895.1 and R.S. 15:574.4.2)

Post-Conviction Relief for Proof of Innocence (ACT 104)

New law authorizes a petitioner convicted of an offense to seek post conviction relief on the grounds that he is factually innocent.

New law does not prohibit a petitioner's first claim of factual innocence that would otherwise be barred from review on the merits by the time limitation or the procedural objections provided in present law, if the claim is contained in an application for post conviction relief filed on or before 12/31/22, and if the petitioner was convicted after a trial completed to verdict.

New law provides that an application for post conviction relief filed pursuant to new law by a petitioner who pled guilty or nolo contendere after 12/31/22 is subject to present law and new law relative to repetitive applications and time limitations.

New law provides that to assert a claim of factual innocence, a petitioner shall present new, reliable, and noncumulative evidence that would be legally admissible at trial and that was not known or discoverable at or prior to trial and that is either:

(1) Scientific, forensic, physical, or nontestimonial documentary evidence, or

(2) Testimonial evidence that is corroborated by evidence of a scientific, forensic, or physical nature.

New law provides that to prove entitlement to relief, the petitioner shall present evidence that satisfies all of the criteria provided for in new law and that, when viewed in light of all of the relevant evidence, including the evidence that was admitted at trial and any evidence that may be introduced by the state in any response that it files or at any evidentiary hearing, proves by clear and convincing evidence that, had the new evidence been presented at trial, no rational juror would have found the petitioner guilty beyond a reasonable doubt of either the offense of conviction or of any felony offense that was a responsive verdict to the offense of conviction at the time of the conviction.

New law provides that a recantation of prior sworn testimony may be considered if corroborated by the evidence required by new law, but a recantation of prior sworn testimony cannot form the sole basis for relief.

New law provides that if the petitioner pled guilty or nolo contendere to the offense of conviction, in addition to satisfying all of the criteria in new law and in any other applicable provision of present law, the petitioner must show both of the following to prove entitlement to relief:

(1) That, by reliable evidence, he consistently maintained his innocence until his plea of guilty or nolo contendere, and

(2) That he could not have known of or discovered his evidence of factual innocence prior to pleading guilty or nolo contendere.

New law provides that a grant of post conviction relief pursuant to new law does not prevent the petitioner from being retried for the offense of conviction, for a lesser offense based on the same facts, or for any other offense.

New law provides that if the petitioner waives his right to a jury trial and elects to be tried by a judge, the district judge who granted post conviction relief pursuant to new law will be recused and the case will be allotted to a different judge.

New law provides that if the district judge denied post conviction relief pursuant to new law and an appellate court later reversed the ruling of the district judge and granted post conviction relief pursuant to new law, and if the petitioner waives his right to a jury trial and elects to be tried by a judge, upon the petitioner's motion the district judge who denied post conviction relief will be recused and the case will be allotted to a different judge.

New law authorizes the district court, upon motion of the state or the petitioner, to order the testing or examination of any evidence relevant to the offense of conviction in the custody and control of the clerk of court, the state, or the investigating law enforcement agency.

New law provides that if the motion is made by the petitioner, it can be granted only after a contradictory hearing at which the petitioner shall establish that good cause exists for the testing or examination.

New law provides that if the state does not expressly consent to the testing or examination and the motion made pursuant to new law is granted, the district attorney and investigation law enforcement agency cannot be ordered to bear any costs of the testing or examination.

Present law requires that if the petitioner is in custody after sentence for conviction for an offense, relief be granted only on any of several grounds.

New law adds that another ground for relief is that the petitioner is determined by clear and convincing evidence to be factually innocent under new law.

Present law provides that no application for post conviction relief will be considered if filed more than two years after the judgment of conviction and sentence have become final under prior law, unless the application alleged, and the petitioner proved or the state admitted, that the facts upon which the claim is predicated were not known to the petitioner.

New law adds that, if the petitioner pled guilty or nolo contendere to the offense of conviction and is seeking relief pursuant to new law relative to claims of factual innocence and five years or more have elapsed since the petitioner pled guilty or nolo contendere to the offense of conviction, he is not eligible for the exception to timeliness provided for by present law.

Present law provides that the petitioner is required to prove that he exercised diligence in attempting to discover any post-conviction claims that may exist. "Diligence" is a subjective inquiry that must take into account the circumstances of the petitioner, including the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, and whether the interests of justice will be served by the consideration of new evidence.

New law makes it mandatory that the subjective inquiry of "diligence" take into account the circumstances of the petitioner.

Present law provides that no application for post conviction relief will be considered if filed more than two years after the judgment of conviction and sentence have become final except in certain unusual circumstances.

New law adds the following circumstances:

(1) The petitioner qualifies for the exception to timeliness in present law relative to DNA testing.

(2) The petitioner qualifies for the exception to timeliness in new law relative to factual innocence.

New law allows the state to affirmatively waive any objection to the timeliness of the application for post conviction relief filed by the petitioner, if the waiver is express and in writing and filed by the state into the district court record.

New law provides that upon joint motion of the petitioner and the district attorney, the district court may deviate from any provision of law relative to post conviction relief.

New law provides that, notwithstanding any provision of law, the district attorney and the petitioner may, with the approval of the district court, jointly enter into any post conviction plea agreement for the purpose of amending the petitioner's conviction, sentence, or habitual offender status, which agreement must be in writing, filed into the district court record, and agreed to by the district attorney and the petitioner in open court.

New law provides that the court, prior to accepting the post conviction plea agreement, must address the petitioner personally in open court, inform him of and determine that he understands the rights that he is waiving by entering into the post conviction plea agreement, and determine that the plea is voluntary and is not the result of force or threats, or of promises apart from the post conviction plea agreement itself.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 930.3 and 930.8; adds C.Cr.P. Art. 926.2, 926.3, 930.4(G), and 930.10)

CODE OF EVIDENCE

CHILDREN'S CODE

Child in Need of Care Proceedings (ACT 367)

Present law defines "caretaker" as any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person who provides a residence for the child.

New law adds an employee or operator of an early learning center may also be identified as persons who are legally obligated to provide or secure adequate care for a child.

New law provides that "caretaker" also means any adult who occupies a residence of a child and has a consistent and continuing responsibility for the care of a child.

New law states that a "caretaker" does not include an operator or employee of a correctional facility, detention facility, or nonresidential school.

New law defines "restrictive care facility" as any public or private licensed or unlicensed childcare facility, group home, emergency shelter facility, maternity home, psychiatric hospital, or a psychiatric unit located in a state-owned or state-contracted general hospital.

(Amends Ch.C. Art. 603(4))

Delinquency Procedure (ACT 270)

Prior law provided that with leave of court the petitioner was authorized to amend the petition at anytime to cure defects of form.

Prior law provided that with leave of court and prior to the adjudication hearing the petitioner was authorized to amend the petition to include new allegations of fact or requests for adjudication.

Prior law provided that if such leave was granted, the child was authorized to request a continuance of the adjudication hearing and authorized a continuance to be granted for such a period as was required in the interest of justice.

New law removes the requirement to obtain leave of court to amend the petition or to include new allegations of fact or requests for adjudication.

New law adds imperfection, omission, and uncertainty as grounds for amending a petition in delinquency proceedings.

New law specifies that on the motion of the child that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time.

New law requires the court to consider all circumstances of the case and the entire course of the prosecution in determining whether the child has been prejudiced in his defense on the merits.

Effective August 1, 2021.

(Amends Ch.C. Arts. 635, 750, and 846)

State Custody of Children (ACT 350)

Prior law provided for the placement of children into the custody of the Department of Children and Family Services (DCFS).

New law provides that DCFS shall provide notice to the court of attempted relative searches 10 days before any scheduled disposition, case review, permanency hearing, or as otherwise required by the court.

New law provides that a diligent search shall include, at a minimum, (i) interviews with the child's parent, the child, identified relatives, and any other person who is likely to have information about the identity or location of adult relatives of the child or persons who have a significant relationship with the child and (ii) comprehensive searches of databases and other resources available to DCFS, which may include school, employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought.

New law provides that all relatives of the child identified in the diligent search required by new law, subject to exceptions due to family or domestic violence or other safety concerns, shall be provided with a notice explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice.

New law provides that DCFS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the child, until the relatives or persons are located, the court excuses DCFS from conducting a diligent search, or permanency is achieved.

New law provides that the court may excuse DCFS from considering a relative as a placement if the relative fails, after 90 days from the date the relative receives the required notice, to demonstrate an interest in and willingness to provide a permanent home for a child.

Prior law provided that the court shall consider a child's need for continuing contact with any relative by blood, adoption, or affinity with whom the child has an established and significant relationship.

New law provides that, in the case of a child under the age of six, the court may find that continuation of the child's placement with the current caregiver is in the child's best interest, if the child is in a stable home environment where the child's physical and emotional needs are met by a person who has a significant relationship with the child, that no relative or other suitable caregiver has been identified as a concurrent plan caregiver as part of the child's case plan or report submitted to the court, and that it would be detrimental to the child's well-being if the child is removed from the current caregiver.

New law provides that, upon a finding by the court, the department shall not make any change in placement absent prior written notice to the court.

New law provides that prior notice for a placement change is not required when necessary to ensure the safety of the child, when the current caregiver requests that the child be removed, or

when a child is moving to the home of a parent for the purpose of a trial placement.

New law provides that, in the event of removal from a placement with a current caregiver pursuant to new law, upon motion of the court, motion of the current caregiver, or motion of the child, which is filed within fifteen days of the change in placement, a contradictory hearing shall be held to determine whether removal was in the best interest of the child.

New law provides that for purposes of new law, a foster parent, relative or other suitable individual with whom a child under the age of six has resided continuously for nine months or more is a person who has a significant relationship with the child.

New law provides that nothing in new law shall be construed to interfere with any rights afforded to biological parents.

Effective upon signature of the governor (June 17, 2021).

(Amends Ch.C. Art. 702(D); adds Ch.C. Art. 672.3)

Relinquished Infants' Drop Box (ACT 421)

Existing law known as the "Safe Haven Law", Ch.C. Art. 1149 et seq., provides a mechanism whereby any parent may relinquish the care of an infant who is not more than 60 days old to the state at a designated emergency care facility in safety and anonymity and without fear of prosecution.

Existing law provides that if a parent wishes to relinquish an infant, the parent may leave the infant in the care of any employee of a designated emergency care facility.

New law provides that, in addition to leaving an infant in the care of an employee of a designated emergency care facility, a parent who wishes to relinquish an infant may do so using a newborn safety device that meets the specifications provided in new law and is physically located inside of a facility which is licensed as a hospital and has an emergency department that is staffed 24 hours per day.

New law requires that each newborn safety device meet all of the following specifications:

(1) The device has been voluntarily installed by the designated emergency care facility.

(2) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.

(3) The device has been installed by a licensed contractor.

(4) The access door to the device locks automatically upon closure when a newborn is in the device.

(5) The supporting frame of the device is anchored so as to align the bed portion of the device directly beneath the access door and prevent movement of the unit as a whole.

(6) The device features a safe sleep environment which includes a firm, flat bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free of pillows, bumpers, blankets, and other bedding.

New law requires each designated emergency care facility that installs a newborn safety device to post signage approved by the Dept. of Children and Family Services (DCFS) at the site of the device.

New law requires that the signage clearly identify the device and provide both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock.

New law requires that the signage clearly indicate all of the following:

(1) The maximum age of an infant who may be relinquished (60 days of age).

(2) That the child must not have been previously subjected to abuse or neglect.

(3) That by placing an infant in the newborn safety device, a parent is foregoing all parental responsibilities with respect to the infant and is giving consent for the state to take custody of the infant.

New law stipulates that a designated emergency care facility which installs a newborn safety device shall be responsible for the cost of the installation.

New law requires each designated emergency care facility that installs a newborn safety device to install, additionally, an adequate dual alarm system connected to the physical location of the newborn safety device.

New law requires that the facility ensure all of the following with respect to the alarm system on the newborn safety device:

(1) It generates an audible alarm at a central location within the facility 60 seconds after the opening of the access door to the device.

(2) It generates an automatic call to 911 if the alarm is activated and not turned off from within the facility less than 60 seconds after the commencement of the initial alarm.

(3) It is tested at least one time per week to ensure that it is in working order.

(4) It is visually checked at least two times per day to ensure that it is in working order.

New law requires each designated emergency care facility that installs a newborn safety device to do all of the following:

(1) Ensure that the device is checked at least daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at least weekly and after any newborn relinquishment into the device.

(2) Maintain documentation of the testing of the alarm system and the cleaning and sanitation of the device required by new law.

(3) Install adjacent to the device a card holder and keep the card holder stocked with Safe Haven informational materials supplied by DCFS.

(4) Adopt written policies for receiving, in accordance with the requirements of existing law and applicable licensing rules, a newborn who has been relinquished into the newborn safety device.

Effective August 1, 2021.

(Amends Ch.C. Arts. 1151 and 1152)

Adoptions (ACT 6)

New law requires visits from the Dept. of Children and Family Services (DCFS) or its designee in agency adoptions and private adoptions.

New law requires multiple visits by a social worker, counselor, psychologist, psychiatrist, or therapist, who is required to document each visit, prior to the final agency adoption decree. The observations made during the visits shall be used in making recommendations for finalizations of agency adoptions.

New law requires the families and children be provided assistance, consultation, and twenty-four hour crisis intervention through finalization.

New law requires courts to report adoptions and statistical, non-identifying information to DCFS.

New law requires DCFS to release a yearly report of adoption statistics within the state and adoptions that place the child out-of-state.

Old law provided that courts may render a final decree at first hearings for private adoptions if the child has lived in the petitioner's home for one year. New law shortens the length of time to six months.

New law requires multiple visits by a social worker, counselor, psychologist, psychiatrist, or therapist, who is required to document each visit, prior to the final private adoption decree. The observations made during the visits shall be used

in making recommendations for finalizations of private adoptions.

(Amends Ch.C. Arts. 1213, 1233, and 1235; Adds Ch.C. Arts. 1213(D), 1217.1, and 1239.1)

MULTIPLE CODES AND TITLES

Petitions for TRO in Domestic Abuse Cases (ACT 394)

Prior law required that a petition requesting the issuance of an ex parte temporary restraining order pursuant to the Domestic Abuse Assistance Act contain an affidavit signed by each petitioner that the facts and circumstances contained in the petition were true and correct to the best knowledge, information, and belief of the petitioner.

New law provides that the petition shall contain a written affirmation, rather than an affidavit, signed and dated by the petitioner before a witness who shall sign and print his name. New law explicitly provides the same for a complainant seeking protection from domestic abuse, dating violence, stalking, or sexual assault.

Existing law provides that perjury committed in a civil action shall be punished by a fine of not more than $10,000 or imprisonment at hard labor for not more than five years, or both.

Prior law provided that any false statement under oath contained in the affidavit accompanying a petition requesting an ex parte temporary restraining order pursuant to the Domestic Abuse Assistance Act constituted perjury and was punishable by a fine of not more than $1,000 or by imprisonment with or without hard labor for not more than five years, or both. New law repeals prior law and provides that the affirmation provided by new law is subject to perjury pursuant to existing law.

Existing law provides that a temporary restraining order shall be granted without notice when:

(1) It clearly appears from specific facts shown by a verified petition or by supporting affidavit that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.

(2) The applicant's attorney certifies to the court in writing the efforts which have been made to give the notice or the reasons supporting the claim that notice should not be required.

New law adds that a temporary restraining order shall also be granted when an affirmation as provided in new law shows the specific facts required by existing law.

Effective August 1, 2021.

(Amends C.C.P. Art. 3603, Ch.C. Art. 1568, and R.S. 46:2134; Adds C.C.P. Art 3603.1(C)(3))

Children in Need of Care (ACT 158)

New law revises prior law to incorporate into the definition of "abuse" allegations of grounds that a child is in need of care.

Present law provides for the evidence a court shall consider at a child in need of care disposition hearing. New law additionally provides for the due process rights of the parties at a child in need of care disposition hearing.

Prior law required service on nonresident parents to be made by registered mail. New law also authorizes service on nonresident parents to be made by certified mail.

Prior law set forth the grounds for a child to be determined to be in need of care. New law repeals certain grounds under prior law as duplicative of the definition of "abuse" and directs the law institute to print an explanatory Comment.

Effective August 1, 2021.

(Amends Ch.C. Arts. 603, 680, 1022, and 1226, R.S. 13:1139 and 1587.1, R.S. 15:1082, 1098.1, and 1099.1, R.S. 24:175 and 176, R.S. 44:3, and R.S. 46:1251, 1901, 2411, and 2417; repeals Ch.C. Art. 606(A)(6)-(8))

Animal Ownership (ACT 162)

Prior law required that every impounded horse, mule, donkey, or ass be branded with a distinctive brand that is burned into the hide of the animal. Prior law required that records of the brand and a description of the animal be kept by the patrol and the pound keeper.

New law deletes the branding requirement and instead requires every impounded animal to be permanently identified by branding, tattoo, electronic device, or other method of identification approved by the commissioner.

New law requires records of the identification method, including a description of the animal, to be maintained by the impounding jurisdiction.

Prior law provided that a person who finds a corporeal movable that has been lost must make a diligent effort to locate its owner or possessor and to return the thing to them. Prior law provided that one who has possessed a movable as a good faith owner under an act sufficient to transfer ownership, and without interruption for three years, acquires ownership by prescription.

New law requires the possessor of a found domestic animal to prove the animal lacked a microchip or other owner-identifying information prior to claiming ownership under prior law, and that the presence of owner-identifying information creates a rebuttable presumption that the possessor has not satisfied the requirements for ownership under prior law.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 3:2856; adds C.C. Art. 3419.1)

Emergency Rulemaking (ACT 211)

New law provides new parameters in which an agency may utilize emergency rulemaking.

New law provides that in extraordinary circumstances, an emergency rule may be adopted without notice or a public hearing under the following circumstances:

(1) To prevent imminent peril to the public health, safety, or welfare.

(2) To avoid sanctions or penalties from the United States.

(3) To avoid a budget deficit in the case of the medical assistance program.

(4) To secure new or enhanced federal funding.

(5) To effectively administer the law relating to the imposition, collection, or administration of taxes when required due to time constraints related to congressional, legislative, or judicial actions.

New law provides that it will not be considered an emergency if the agency is acting in the normal course and scope of fulfilling its mission, if the agency failed to take necessary steps to avoid an emergency, to implement an Act of the legislature unless the Act specifically directed the agency to proceed with emergency rulemaking, or to continually republish existing emergency rules.

New law provides that no identical emergency rule shall be adopted by an agency more than two consecutive times, unless the agency is operating under a state or federal declaration of disaster, state or federal public health emergency, or ongoing emergency.

Effective August 1, 2021.

(Amends R.S. 3:4104,R.S. 15:587.1.2, R.S. 22:11.1, R.S. 27:220, R.S. 29:784, R.S. 30:2019, 2019.1, and 2022, R.S. 32:415.2, R.S. 34:851.14.1, R.S. 36:254, R.S. 40:5.3, 962, 2008.10, and 2136, R.S. 49:953, 954, and R.S. 56:6.1; adds R.S. 49:951(8) and 953.1)

Sports Wagering Tax Revenue (ACT 435)

Present law levies a 10% tax on net gaming proceeds for sports wagering when the wager is placed in person or via a sports wagering mechanism, and a 15% tax on net gaming proceeds for sports wagering when the wager is placed via a website or mobile application.

New law provides that after complying with new law regarding the crediting of taxes to the Bond Security and Redemption Fund, the state treasurer shall credit the following amounts to the following funds:

(1) 2% to the Behavioral Health and Wellness Fund, or $500,000, whichever is greater.

(2) 25%, not to exceed $20M, to the Louisiana Early Childhood Education Fund.

(3) 10% of monies collected shall be credited to the Sports Wagering Local Allocation Fund.

(4) 2.5% to the Sports Wagering Purse Supplement Fund.

(5) 2% of monies collected, up to $500,000, shall be credited to the Disability Affairs Trust Fund.

(6) Balance to the state general fund.

New law creates the Sports Wagering Local Allocation Fund as a special fund in the state treasury.

New law creates in the state treasury a special fund to be known as the Sports Wagering Purse Supplement Fund. New law provides that any appropriation by the legislature to the La. State Racing Commission from the fund shall be utilized to supplement purses.

New law provides that each fiscal year, the La. State Racing Commission shall allocate any appropriations received from sports wagering taxes as follows:

(1) Two-thirds of the funds appropriated shall be allocated and provided to the four race tracks on the basis of the proportion of the number of thoroughbred race days each association conducted for the preceding year bears to the total number of thoroughbred race days conducted statewide for the preceding year. New law provides that the funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the La. Thoroughbred Breeders Association on Louisiana-bred thoroughbred races.

(2) One-third of the funds appropriated shall be allocated and provided to the four race tracks on the basis of the proportion of the number of quarter horse race days each association conducted for the preceding year bears to the total number of quarter horse race days conducted statewide for the preceding year, and such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the La. Quarter Horse Breeders Association on Louisiana-bred quarter horse races.

New law creates the Behavioral Health and Wellness Fund in the state treasury, and provides that any appropriations, public or private grants, gifts, or donations received by the state or by the Department of Health or its office of behavioral health or human services districts for the purposes of gambling disorders, except for monies deposited into the Compulsive and Problem Gaming Fund, shall be credited to the fund.

New law provides that monies in the fund shall be utilized to support and invest in intensive and comprehensive treatment facilities for individuals with compulsive and problem gambling addictions.

New law provides that monies in the fund shall only be withdrawn pursuant to an appropriation by the legislature solely to implement new law.

Effective upon signature of the governor (June 21, 2021).

(Adds R.S. 4:199, R.S. 27:625(G) and 628, and R.S. 28:843)

Funds of Deceased Customers (ACT 44)

New law provides that a small succession affidavit authorized by law constitutes full and sufficient authority for the payment or delivery of any money or property, including property held in a safety deposit box, of the deceased customer described in the affidavit to the heirs or legatees of the deceased customer and the surviving spouse in community, if any, in the percentages listed therein, by the bank or mutual association

having such money or property in its possession or under its control.

New law provides that the transfer of the money or delivery of property identified in the affidavit to the persons named in the affidavit constitutes a full release and discharge for the payment of money or delivery of property, and any creditor, heir, legatee, succession representative, or other person whatsoever shall have no right or cause of action against the bank or mutual association paying the money or delivering the property in accordance with law on account of such payment, delivery, or transfer.

Prior law provided that a multiple original of an affidavit for small successions shall be full and sufficient authority for the payment or delivery of any money or property of the deceased in the affidavit to the heirs of the deceased and the surviving spouse in community, if any, in the percentages listed therein, by any bank, financial institution, trust company, warehouseman, or other depository, or by any person having such property in his possession or under his control.

New law provides a multiple original of an affidavit for small successions for a person who died testate as sufficient authority for the payment or delivery of any money or property of the deceased to the heirs or legatees of the deceased and the surviving spouse in community by certain persons as provided by prior law.

New law changes the term "bank" to "federally insured depository institution" and provides that, in addition to the heirs and surviving spouse, money or property may be delivered to a legatee in accordance with prior law.

Present law provides that the receipt of the persons named in the affidavit as heirs of the deceased, or surviving spouse in community, constitutes a full release and discharge for the payment of money or delivery of property as provided by prior law. Present law provides that any creditor, heir, succession representative, or other person whatsoever shall have no right or cause of action against the person paying the money, or delivering the property, or transferring the stock or bonds, on account of such payment, delivery, or transfer.

New law adds that a legatee is subject to the full release and discharge for the payment of money or delivery of property as provided by present law. New law provides that a legatee shall have no right or cause of action against the person paying the money, or delivering the property, or transferring the stock or bonds, on account of such payment, delivery, or transfer.

Prior law allowed an affidavit in certain actions involving immovable property to be prima facie evidence of certain information, including the recognition of a person as an heir, or surviving spouse. New law also allows for the recognition of a legatee through the affidavit.

Present law provides for a person who claims to be a successor, but has not been authorized through prior law, to assert an interest in property, subject to a two-year prescriptive period. New law adds a reference to new law by which a successor may be authorized.

Effective upon signature of the governor (June 1, 2021).

(Amends R.S. 6:767 and 768 and C.C.P. Art. 3434; adds R.S. 6:325(E))

Public License Tag Agent Charges (ACT 69)

Old law authorized public license tag agents to charge a convenience fee, not to exceed $18, to provide information on the status of registration privileges and a fee, not to exceed $18, per reinstatement, provided that the fees are disclosed immediately to the consumer prior to the initiation of the transaction and the fees are posted in a conspicuous manner in the office of the public license tag agent.

New law increases the maximum convenience charge from $18 to $23 for the provision of information on the status of registration privileges and reinstatement.

Old law authorized the public license tag agents to collect a convenience fee in addition to the

registration license tax, not to exceed $18 per license.

New law increases the maximum charge from $18 to $23 for all authorized transactions and specifies that a public license tag agent is authorized to collect the convenience charge in addition to other authorized fees, sales taxes, and transactions.

(Amends R.S. 6:969.18, R.S. 9:3530, and R.S. 47:532.1)

School Guidance Counselors (ACT 275)

New law changes references to "guidance counselor" in the Revised Statutes to "school counselor".

Effective August 1, 2021.

(Amends R.S. 11:701, R.S. 14:403.1, R.S. 15:1134, R.S. 17:7, 7.2, 24.1, 46, 392.1, 414.2, 416.8, 1170, 1200, 2926, the title of Ch. 19 of Title 17 of the La. R.S., 3002, 3003, 3004, 3005, 3006, 3162, 3166, and 3602, R.S. 18:116, and R.S. 42:1119)

Smoking Age Raised to 21 (ACT 403)

Prior law prohibited the distribution of promotional samples of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18. New law raises the minimum age from 18 to 21 years.

Prior law prohibited manufacturers, distributors, retailers, or other persons from selling or distributing any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18. New law raises the minimum age from 18 to 21 years and removes the requirement for knowledge.

Present law requires signs at points of sale and on vending machines for tobacco products. New law requires signs at the point of sale to be placed in a manner conspicuous to both employees and consumers within any location where tobacco products, alternative nicotine products, or vapor products are available for purchase.

Prior law prohibited any person under the age of 18 from buying any tobacco product, alternative nicotine product, or vapor product. New law changes prior law by prohibiting the sale of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 21.

Prior law prohibited any person under the age of 18 from possessing any tobacco product, alternative nicotine product, or vapor product, unless accompanied by a parent, spouse, or legal guardian who was over 21 years old, or in a private residence, or when the product was handled in the course and scope of employment and required in the performance of such person's duties. New law changes the age to 21.

Prior law required the commissioner of alcohol and tobacco control to annually conduct random, unannounced inspections at locations where tobacco products were sold and distributed. Prior law authorized the office of alcohol and tobacco control to enlist persons under the age of 18 to test compliance.

New law changes prior law by allowing persons between the age of 16 and 21 to be enlisted to test compliance. New law requires unannounced follow-up compliance checks of all noncompliant retailers within three months of any violation of new law.

Prior law allowed the purchase of tobacco products from vending machines and self-service displays by persons 18 years of age or older. New law raises the minimum age to 21.

Prior law prohibited the sale of tobacco products to anyone under the age of 18. New law raises the minimum age to 21. New law adds that all persons engaging in the sale of tobacco products must check the identification of any person attempting to purchase such product.

Prior law required that signs at points of sale and on vending machines for tobacco products reflect "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18". New law changes 18 to 21.

Effective August 1, 2021.

(Amends R.S. 14:91.6 and 91.8, R.S. 26:793, 910, 910.1, 911, and 917, and R.S. 47:851; Adds R.S. 26:901.1)

Funds and Special Dedicated Fund Amounts (ACT 114)

New law transfers 25% of the FY 2019-2020 surplus ($67,608,578) to the Budget Stabilization Fund.

New law transfers $39,500,000 from the Capital Outlay Savings Fund to the Coastal Protection and Restoration Fund for use on projects across the state.

New law transfers $16,963,667 of state general fund (direct) into the La. Wildlife and Fisheries Conservation Fund.

New law transfers $15,000,000 of state general fund (direct) into the State Emergency Response Fund.

New law transfers $13,500,000 from the state general fund (direct) into the Capital Outlay Savings Fund.

New law transfers $7,689,837 of state general fund (direct) into the Major Events Incentive Program Subfund of the Mega-Project Development Fund.

New law transfers various lesser amounts into various other funds.

Present law establishes multiple special treasury funds in the state treasury. New law converts 39 of these present law funds into special dedicated fund accounts and provides that monies deposited into such an account shall be categorized as fees and self-generated revenue for the purposes of reporting related to the executive budget, the supporting documents thereto, and general appropriations bills.

Present law establishes the La. Fire Marshal Fund. Prior law provides that unexpended and unencumbered monies in the fund at the end of the fiscal year are transferred to the state general fund. New law requires that such unexpended and unemcumbered monies remain in the fund at the end of the fiscal year. Prior law provides that interest earned on the investment of monies in the fund shall be credited to the state general fund. New law requires such interest earnings be credited to the La. Fire Marshal Fund.

New law establishes the La. Superdome Fund and provides for deposit into the fund of certain monies received pursuant to certain lawsuits. New law provides that monies in the fund be invested in the same manner as state general fund monies and that unexpended and unencumbered monies remaining at the end of the fiscal year shall remain in the fund. New law requires monies in the fund to be used by the La. Stadium and Exposition District for planned upgrades to the New Orleans Superdome.

New law establishes the Jean Boudreaux Settlement Compromise Fund for payment towards any compromise approved by the Joint Legislative Committee on the Budget stemming from the case identified as "Jean Boudreaux and the Victims of the Flood on April 6, 1983 on the Tangipahoa River versus the State of Louisiana, Department of Transportation, et al." New law transfers $15,000,000 of state general fund (direct) into the fund.

New law establishes the Blue Tarp Fund to help finance roof repairs for homeowners, and transfers $500,000 from the La. Mega-Project Development Fund into the Blue Tarp Fund.

New law establishes the Power-Based Fund to be used for the establishment of Title IX offices at every public post secondary institution in the state. New law transfers $500,000 from the La. Mega-Project Development Fund into the Power-Based Fund.

New law authorizes monies in the Lafayette Parish Visitor Enterprise Fund to be used for operating costs of the Cajundome.

New law requires the treasurer to transfer any remaining monies from the Coronavirus Aid, Relief, and Economic Security (CARES) Act on June 30, 2021, to the State Coronavirus Relief Fund (established in present law), including

remaining CARES Act balances in the Coronavirus Local Recovery Allocation Fund, the Louisiana Main Street Recovery Fund, and the Critical Infrastructure Workers Hazard Pay Rebate Fund established in present law.

New law repeals the following funds: the Archaeological Curation Fund, the Audubon Golf Trail Development Fund, the Geaux Pass Transition Fund, and the Scenic Rivers Fund.

Provisions in new law relative to the conversion of "special treasury funds" to "special dedicated fund accounts" become effective June 30, 2022. All other provisions of new law become effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587 and 598, R.S. 22:835 and 2134, R.S. 30:21, 101.9, 2351.41, 2380, and 2418, R.S. 32:412.3, 429.2, 868, 1526, and 1731, R.S. 39:100.43, 100.44, and 100.48, R.S. 40:5.10, 39.1, 1379.3.1, 1379.7, 1428, 1472.20, 1664.9, 1730.68, and 1849, R.S. 45:169.1, 844.14, and 1177, R.S. 46:2403, R.S. 47:302.18, 463.149, 1835 and 6007, R.S. 48:105.1, 381, 381.1, and 381.2, R.S. 49:214.40, R.S. 56:10, 10.1, 164, 700.2, and 1705; Adds R.S. 39:100.11, 100.26, 100.71, and 100.101; Removes R.S. 9:154.2, R.S. 41:1615, and R.S. 56:1706 and 1844)

Special Schools (ACT 468)

Present law provides that the Special School District (SSD) includes the La. Special Schools (the La. School for the Deaf and the La. School for the Visually Impaired) and Special School Programs, which provide services to students in state-operated facilities.

Present law provides that the SSD is an educational service agency administered by the Dept. of Education and governed by the state superintendent of education. New law creates the district as an independent agency governed by a newly created board of directors with 12 members subject to Senate confirmation (one member of the State Board of Elementary and Secondary Education appointed by the state board president and 11 members appointed by the governor).

New law provides for election of officers and the board's powers and duties with respect to district governance and prohibits board members from being employees of the SSD.

Present law provides for the SSD to be under the administration of a district superintendent appointed by the state superintendent of education (subject to confirmation by the Senate), who shall set his or her salary and oversee his or her duties and functions. New law transfers such authorities from the state superintendent to the board of directors.

New law requires the board to adopt an annual budget to adequately fund the district and that the district shall be considered a public school and be included in the minimum foundation program (MFP) formula. New law provides that funding shall be provided both through the MFP via fund allocation by the state Dept. of Education and through direct appropriations to the district.

Present law requires the Special Schools to establish an annual enrollment deadline for admission. Present law provides that after a school's deadline, any other children with hearing, visual, or orthopedic impairments may enroll if the school determines it has sufficient resources.

New law revises enrollment procedures by requiring the Schools for the Deaf and Visually Impaired, upon parental request, to enroll students with low incidence disabilities and students eligible under the Individuals with Disabilities Education Act requiring special education services upon their admission into state facilities in which the SSD provides special education services.

New law provides for the transition to begin on July 1, 2021, for the governor to appoint the board members by July 15, 2021, and for the board to resume responsibility for providing for the education of students on Aug. 1, 2021.

New law provides that the district superintendent serving upon the effective date of new law may continue to serve unless removed by the board.

Effective July 1, 2021.

(Amends R.S. 17:43, 1945, and 1946 and R.S. 36:642, 643, and 648.1; Adds R.S. 17:1945.1 and 1945.2 and R.S. 36:651(D)(11))

State Funds Investment in Equities (ACT 170)

Present constitution establishes the La. Education QualityTrust Fund (LEQTF), provides for deposit and use of monies in the fund, and provides that the legislature shall provide by law for procedures for the investment of LEQTF monies. Present law establishes such procedures and provides that a maximum of 35% of monies in the fund may be invested in stocks. New law increases this maximum to 65% of monies in the fund.

Present constitution establishes the Artificial Reef Development Fund, provides for deposit and use of monies in the Fund, and provides that the treasurer shall invest the monies in the fund. Present law establishes the requirements for such investment. New law provides for a maximum of 65% of monies in the fund that may be invested in stocks.

Present law establishes the Lifetime License Endowment Trust Fund and provides for deposit and use of monies in the Fund. Present law provides that a maximum of 35% of monies in the fund may be invested in stocks. New law increases this maximum to 65% of monies in the fund.

Effective if and when the proposed amendment of Article VII of the Constitution of La. contained in the Act which originated as House Bill No. 154 of this 2021 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 17:3803 and R.S. 56:639.8 and 650)

St. Tammany Parish Boat Gaming (ACT 362)

Prior law prohibited riverboat gaming activities from being conducted upon a riverboat berthed or docked at a facility on that portion of Lake Pontchartrain or any waterway connected thereto located within St. Tammany Parish.

New law adds an exception to provide that, if both the La. Gaming Control Board approves and a majority of the electors in St. Tammany Parish vote to approve a ballot proposition authorizing such, riverboat gaming may be conducted in accordance with the La. Riverboat Economic Development and Gaming Control Act on that portion of Lake Pontchartrain or any waterway connected thereto located in St. Tammany Parish at the location specified in the ballot proposition.

New law calls a referendum election in St. Tammany Parish to be held at the election scheduled for Oct. 9, 2021, or on a succeeding appropriate date selected by the parish governing authority.

New law specifies the ballot wording for the proposition.

New law provides that if the Board approves the new berth or docking facility and a majority of the voters vote in favor of the proposition, the licensee may relocate operations to the approved berth or docking facility in St. Tammany Parish on that portion of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261.

New law provides that the licensee shall remain subject to the regulatory authority of the Board and existing law.

New law requires the election to be conducted pursuant to the La. Election Code, including the provisions providing for the responsibility of the parish governing authority to provide notice to the public.

Existing law authorizes the conducting of gaming activities on a riverboat while on designated rivers or waterways.

New law adds the portion of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261 in St. Tammany Parish, to

the designated rivers and waterways upon which gaming activities may be conducted.

New law provides that economic support for drainage and recreation projects and a revenue share of up to five percent of monthly gaming proceeds may serve as an admission fee.

New law shall not be construed to increase the number of riverboat gaming licenses or to limit the authority of the La. Gaming Control Board.

Effective upon signature of governor (June 15, 2021).

(Amends R.S. 18:1300.21 and R.S. 27:43 and 93; Adds R.S. 18:1300.25)

Workers Compensation Insurance Adjusters (ACT 255)

Present law requires foreign and alien insurers issuing workers' compensation policies in La. to either maintain a claims office in La. for processing such claims or to retain the services of a La. domiciled independent claims adjuster.

New law removes the requirement that the retained La. claims adjuster be independent.

Present law provides that all insurers who issue workers' compensation policies in this state shall either establish and maintain a claims office within the state or retain a licensed claims adjuster.

New law adds that the retained claims adjuster shall be licensed in La.

New law provides that any insurer issuing workers' compensation policies in La. shall make any relevant claims adjuster available for deposition via telephone or video conferencing in the event a disputed claim for compensation is filed in which liability for statutory penalties and attorneys fees is at issue.

New law requires that insurers make such adjusters available for in person testimony at the insurer's expense if a trial becomes necessary to adjudicate the disputed claim for compensation.

(Amends R.S. 22:337 and R.S. 23:1161.1)

First Responders (ACT 184)

New law adds state agency essential workers, emergency service dispatchers, and emergency response operators to one statutory definition of "first responder".

New law adds state agency essential workers to another statutory definition of "first responder".

New law adds definitions for "emergency response operator", "emergency services dispatcher", and "first responder" to the State Police Law, R.S. 40:1371 et seq.

Effective August 1, 2021.

(Amends R.S. 23:1017.1, R.S. 29:723, and R.S. 40:1372)

Stationary Weight Enforcement (ACT 384)

New law transfers the operation and maintenance of the stationary weight enforcement scale locations from the Department of Public Safety and Corrections (DPS&C) to the Department of Transportation and Development (DOTD).

New law defines commissioner as the secretary of the Department of Public Safety and Corrections.

New law changes "weights and standards police officer" to "weights and standards stationary police officer".

Prior law authorized the DPS&C to enforce certain provisions of law relating to trucks, trailers, and semi-trailers.

Prior law provided that DOTD shall enforce certain provisions of law and the regulations adopted on all highways of this state within its jurisdiction and shall exercise such other power and authority as authorized by law.

New law retains prior law and transfers operation and maintenance of all stationary weight

enforcement scale locations from DPS&C to DOTD.

Prior law provided that DOTD shall have sole authority over the issuance of special permits as provided by law.

New law retains prior law and authorizes DOTD to facilitate the issuance of permits by DOTD's truck permit office to place a vehicle or load in compliance with law.

New law creates the Weights and Standards Stationary Scales Police Force within DOTD. New law authorizes the police force to enforce certain provisions of law, the access laws and regulations relative to controlled access highways, and certain other laws and regulations as determined by the secretary of DOTD.

New law removes the requirement of the commissioner to provide the personnel and equipment to fully implement the provisions to collect fees and taxes.

New law provides that when any vehicle is in violation of any provision of the part, the driver shall be issued a violation ticket.

Prior law provided that any vehicle operated in violation of the chapter shall be impounded.

New law provides that any vehicle operated in violation of the chapter may be impounded and the department shall not detain or impound any vehicle issued a violation if the owner or driver is a resident of Louisiana or has a domicile in Louisiana or has paid the penalty or posted the bond in accordance with R.S. 32:389(C).

New law provides that within the office of state police there shall be a Weights and Standards Mobile Police Force to enforce functions related to R.S. 32:380-388.1, R.S. 32:390, and R.S. 47:718.

Prior law provided that all penalties collected by the commissioner shall be paid into the state treasury on or before the 25th day of each month, following their collection, to be credited to the Bond Security and Redemption Fund.

New law retains prior law but refers to all penalties collected by the commissioner or secretary of the DOTD and adds that after a sufficient amount is allocated from the Bond Security and Redemption Fund, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund into the Transportation Trust Fund.

Prior law provided that after a sufficient amount of penalties collected by the commissioner is allocated to the fund to pay all obligations secured by the full faith and credit of the state within any fiscal year, the treasurer shall pay an amount equal to the penalties into the Bond Security and Redemption Fund into the Transportation Trust Fund.

New law specifies that after a sufficient amount is allocated from the fund to pay all obligations secured by the state, which becomes due and payable within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund into the Transportation Trust Fund.

New law provides transition provisions for the transfer of functions from DPS&C to DOTD.

Effective July 1, 2022.

(Amends R.S. 32:1, 2, 3, 388, 388.1, 389, and 392, and R.S. 36:409, R.S. 40:1379.8, and R.S. 47:511.1, 516, 718 and 812; adds R.S. 36:408(B)(3); repeals Sections 6-14 of Act 320 of the 2010 R.S.)

Complaints Against Licensing Boards (ACT 4)

New law repeals provisions that require Title 37 licensing boards and commissions to give notice that complaints about actions or procedures of the board or commission may be submitted to the board or commission or to the House and Senate governmental affairs committees and that require quarterly reports regarding those types of complaints to specified legislative committees.

(Amends R.S. 49:992(D)(5); Repeals R.S. 37:21.1 and 23.2 and R.S. 49:992.2)

Procurement of Consulting Services by Reverse Auction (ACT 102)

Present law provides for the use of a reverse auction by a political subdivision to purchase materials, supplies, or equipment when the procurement officer determines that the best interests of the political subdivision would be served and that electronic online bidding is more advantageous than other procurement methods. New law provides that consulting services may also be procured through the reverse auction process.

Present law provides for the use of a reverse auction by the state for the acquisition of materials, supplies, services of any type, products, or equipment with the approval of the state chief procurement officer that the best interests of the state would be served. New law provides that consulting services may also be procured through the reverse auction process.

Present law defines consulting service for the purposes of the Louisiana Procurement Code and provides examples of consulting services. New law adds pharmacy benefit manager (PBM) services as an example.

New law provides that the division of administration may procure PBM services for the administration of benefits provided by the Office of Group Benefits through the reverse auction process and establishes the standards and procedures.

New law provides for the mandatory content of contracts for PBM services obtained through reverse auction, including the minimum capabilities of the technology platform, the required related services from the technology platform provider, and the time limit for procuring the technology platform and related technology provider.

New law provides that if the division of administration uses a reverse auction to procure PBM services, the division shall not award a contract for the technology platform and related provider services to a PBM and prohibits the vendor from outsourcing any part of the reverse auction or review of invoiced drug claims.

New law provides that the technology platform used to conduct the reverse auction shall be repurposed over the duration of the PBM services contract as an automated pharmacy claims adjudication engine to perform real-time, electronic, line-by-line, claim-by-claim review of 100% of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract.

New law requires the division of administration to reconcile the electronically adjudicated pharmacy claims with PBM invoices on a monthly or quarterly basis to ensure that state payments shall not exceed the terms specified in any PBM services contract.

New law provides for the timeline for the completion of each PBM reverse auction. New law requires notice of the dates of the scheduled PBM reverse auction and the termination of the existing PBM services contract to be given to the Joint Legislative Committee on the Budget.

New law provides that the division of administration shall implement a no-pay option that obligates the winning PBM, rather than the state, to pay the cost of the technology platform and related technology platform provider services, by assessing the PBM a per-prescription fee in an amount agreed to by the division of administration and the technology provider, and requiring the PBM to pay these fees to the technology provider over the duration of the PBM services contract.

New law does not apply in the case of a nonprofit, nongovernmental health maintenance organization with respect to managed care plans that provide a majority of covered professional services through a single contracted medical group.

New law provides that any other self-funded public sector health plan may use the processes and procedures established in new law individually, collectively, or as a joint purchasing

group with the group benefit plans provided by the Office of Group Benefits.

New law authorizes, after completion of the first PBM reverse auction, self-funded private sector health plans with substantial participation by La. employees and their dependents to participate in a joint purchasing pool with state employees for subsequent PBM reverse auctions.

Present law provides that the Louisiana Department of Health (LDH) shall administer the Medicaid prescription drug benefit program and requires contracts for PBM services, either directly with LDH or as a subcontractor or subsidiary of a managed care organization, to meet certain requirements. New law adds authority for LDH to procure and negotiate PBM contracts through the use of a reverse auction.

Present law provides that the Office of Group Benefits may negotiate and contract directly for the provision of other health care services to the program's covered persons. New law adds authority for OGB to procure and negotiate PBM contracts through the use of a reverse auction.

New law provides that the Jt. Legislative Committee on the Budget shall review and approve any proposed contract to implement a PBM reverse auction.

Effective August 1, 2021.

(Amends R.S. 38:2271 and R.S. 39:1556, 1600, and 1648; adds R.S. 39:1600.1, R.S. 42:802(B)(12), and R.S. 46:450.7(C))

Cybersecurity Plans for State Agencies (ACT 66)

New law requires each state agency to adopt a cybersecurity plan and financial security procedures relative to cash management.

New law requires each agency to submit its adopted cybersecurity plan and financial security procedures to the Cash Management Review Board (Board) within 90 days of the effective date of new law. New law requires each agency to submit any revisions to such plans or procedures to the Board.

New law requires the Board to review and approve such plans, procedures, and revisions. New law grants the Board authority to review implementation of such plans and procedures and make ongoing assessments of the sufficiency of such plans and procedures. New law provides that all discussions and records involved in such review and approval are confidential and prohibits release under present law.

Present law establishes the Open Meetings Law, which requires meetings of public bodies to be open to the public. Present law provides exceptions to the open meeting requirement, allowing bodies to discuss certain limited items outside of public view. One such exception in present law is for discussion regarding the report, development, or course of action regarding security personnel, plans or devices. New law adds to this exception discussions concerning cyber-security plans, financial security procedures, and assessment and implementation of any such plans or procedures.

Present law generally requires all books, records, writings, or any other material, regardless of physical form or characteristic, that are or have been used in the conduct or performance of any public business to be made available for public inspection, but provides exceptions to this public inspection requirement for certain specified public records.

New law adds to the exceptions any documents involved in the review and approval of cybersecurity plans, financial security procedures, and the assessment and implementation of any such plans or procedures, including documents in the possession of the Board or a state agency, department, board, or commission required to deposit monies in the state treasury in accordance with present constitution.

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

(Amends R.S. 39:372, R.S. 42:17, and R.S. 44:4.1)

olice Conduct (ACT 430)

New law requires any law enforcement agency that utilizes body worn cameras to have a policy regarding the activation and deactivation of such cameras by the officer no later than January 1, 2022.

New law requires any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights to utilize that technology no later than January 1, 2022.

New law prohibits the use of choke holds and carotid holds, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

New law provides that no law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant, except in cases where both of the following apply:

(1) The affidavit supporting the request for the warrant establishes probable cause that exigent circumstances exist requiring the warrant to be executed in a no-knock manner. Exigent circumstances include circumstances where the surprise of a no-knock entry is necessary to protect life and limb of the law enforcement officers and the occupants.

(2) The copy of the warrant being executed that is in the possession of law enforcement officers includes the judge's signature.

New law provides that a search warrant authorized under new law shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.

New law provides that after entering and securing the place to be searched, and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched.

New law provides that if the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.

New law requires that search warrants authorized under new law be executed only from sunrise to sunset, except in either of the following instances:

(1) A judge authorizes the execution of such search warrant at another time for good cause shown.

(2) The search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

New law prohibits any evidence obtained from a search warrant in violation of new law from being admitted into evidence for prosecution.

New law defines "no-knock warrant" as a warrant issued by a judge that allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.

New law provides that only a district court judge may issue a no-knock warrant under new law.

Effective August 1, 2021.

(Adds R.S. 40:2551-2553, and C.Cr.P. Art. 162.3)

UNCODIFIED

Naming of Highways, Overpasses, and Bridges (ACTS 10, 38, 39, 63, 64, 75, 105, 107, 179, 354, and 375)

New law generally direct the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting the name, provided local or private monies are received by DOTD equal to its actual costs for material, fabrication, maintaining posts, and installation of each sign, not to exceed the sum of $550 per sign.

Transfers of State Property (ACTS 57, 229, 333, 369, and 398)

New laws authorize the transfers of various state properties to various public and private persons.

Capital Outlays and Bonds (ACT 112)

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

New law authorizes and directs the Treasurer to transfer to the Bond Security and Redemption Fund any unexpended bond proceeds balance of any general obligation account created prior to 2018 having a balance of $10,000 or less, to be expended on general obligation bond debt service of the related bonds (including any bonds issued to refinance such bonds). If the bonds or refunding bonds are no longer outstanding, then the unexpended bond proceeds shall be applied to pay debt service on any outstanding general obligation bonds.

New law deems projects included in Section 1 of HB No. 2 of the 2021 R.S. to have until June 5, 2021, to submit capital outlay budget request applications, and if the project application is submitted by that date, the project is deemed to have complied with late approval requirements in present law.

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

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

Funding of Ancillary Expenses (ACT 113)

New law provides for $833,878,826 of interagency transfers, $1,925,393,188 of fees and self-generated revenues, and $175,338,458 of statutory dedications to provide for the ancillary expenses of state government.

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

New law requires the appropriated funds, to the extent deposited, unless otherwise specified, to be used for working capital in the conduct of business enterprises rendering public, auxiliary, and interagency services.

New law requires receipts from the conduct of such businesses to be deposited to the credit of each ancillary fund for FY 2021-2022.

New law requires all funds to be expended in accordance with public bid laws.

New law requires, except as otherwise provided, any fund equity resulting from prior year operations to be included as a resource of the fund from which it is derived.

New law provides that all funds on deposit with the state treasury at the close of the fiscal year are authorized to be transferred to each fund as equity for FY 2022-2023.

New law provides that all unexpended cash balances as of June 30, 2022, shall be remitted to the state treasurer on or before Aug. 14, 2022.

New law provides that if not reestablished in the subsequent year's act, the agency must liquidate all assets and return all advances no later than Aug. 14, 2022.

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

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

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

New law directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget Supporting Document to reflect the funds appropriated and to report such adjustments to the JLCB by Aug. 15, 2021.

New law provides that the treasurer shall invest excess cash funds, excluding those arising from working capital advances, with the interest earned being credited to the account.

New law authorizes the commissioner of administration to transfer functions, positions, assets, and funds between and within departments in conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program, or budget unit's information technology resources, and procurement resources, in order to optimize resources and provide cost savings.

New law does not apply to the Dept. of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General Appropriation Act.

New law authorizes the office of group benefits to contract with a third party vendor to review claims data.

Effective July 1, 2021.

Revenue Sharing Funds (ACT 115)

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2021- 2022.

There were no changes from FY 2020-2021.

New law provides for the annual allocation and distribution of the state revenue sharing fund in the amount of $90,000,000 for FY 2021-2022. The parish allocation is determined by the parish's percentage of the total state population (80% of the revenue sharing fund) and the parish's percentage of the total number of homesteads in the state (20% of the revenue sharing fund).

New law requires the state treasurer to remit the total parish allocation in three allotments no later than Dec. 1, March 15, and May 15, and requires the sheriff to distribute such funds to the tax recipient bodies within 15 days after receipt. New law authorizes the sheriff to distribute the first payment based on the previous year, pending receipt of the current tax rolls, and requires adjustments on the final two payments.

The constitution mandates payment, on a first priority basis from the parish allocation, of the sheriff's commission, retirement systems' deductions, and reimbursement to eligible tax recipient bodies for ad valorem taxes lost as a result of the homestead exemption; any monies remaining in the parish allocation after such payments are made are referred to as "excess

funds" and are distributed on the basis of a local formula contained in the new law.

New law provides that in any parish which had excess funds in 1977, except East Carroll, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased from 1977 to 2020. New law prohibits participation of new millages levied after Jan. 1, 1978, unless authorized to participate on the same pro rata basis by the local legislative delegation.

New law prohibits general obligation bond millages from participating in revenue sharing and restates the constitutional mandate that the issuing authority levy sufficient millage on all taxable property to pay annual debt requirements. New law excepts Sabine Parish with operation and maintenance millages having first priority over bond millages, excepts Natchitoches Parish with maintenance and bond millages sharing pro rata, excepts the BREC Capital Improvement Tax in East Baton Rouge Parish, and excepts all bonds in Bossier Parish.

New law requires that all local distribution authorities file with the state treasurer all information necessary for the computation and verification of amounts due the eligible taxing bodies, and provides that no funds shall be distributed prior to receipt of such information. New law directs the state treasurer and sheriff to pay to a recipient any earnings received from the investments of the parish allocation.

New law retains all prior authorized participation from Act No. 335 of the 2020 R.S. (Revenue Sharing Bill).

The population shall be determined by the LSU AgCenter, Department of Agricultural Economics and Agribusiness, under the most recent federal-state cooperative program for local population estimates.

There are no new millages for FY 2021-2022.

Funding of Legislative Branch (ACT 117)

New law makes appropriations for the expenses of the legislature for Fiscal Year 2021-2022.

New law provides for the expenses of the legislature and legislative service agencies. New law appropriates $73,610,173 from the state general fund for FY 2021-2022, including the following:

House of Representatives	$28,998,300
Senate	$21,764,498
Legislative Auditor	$10,000,000
Legislative Fiscal Office	$3,158,849
Louisiana State Law Institute	$1,131,401
Legislative Budgetary Control Council	$8,557,125
Total state general fund	$74,093,881

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

New law provides the balance on July 2, 2021 of the fund created by Act 513, §13 of 2008 RS is appropriated to the Legislative Budgetary Control Council.

New law appropriates $350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates $23,824,945 from the fund, which is authorized to be used for expenses of the auditor's office.

New law retains provisions of existing law allowing legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on Dec. 1, 2007.

Effective July 1, 2021.

State Ordinary Operating Expenses (ACT 119)

New law provides for the ordinary operating expenses of state government for FY 2021- 2022.

New law appropriates $37.1 billion, of which $9.1 billion is State General Fund (Direct) (SGF).

SGF increased by $500 million when compared to the FY 2020-2021 existing operating budget as of December 1, 2020. Overall, FY 2021-2022 total General Appropriation Bill (GAB) funding is $2.0 billion more than FY 2020-2021.

Other means of financing for FY 2021-2022 include: interagency transfers at $1.2 billion, or $420.8 million less than FY 2020-2021; fees and self-generated revenues at $3.2 billion, or $107.2 million more than FY 2020-2021; statutory dedications at $4.4 billion, or $319.9 million more than FY 2020-2021; and federal funding at $19.2 billion, or $1.5 billion more than FY 2020-2021.

The Governor exercised his line item veto authority to delete 8 appropriations for various reasons.

Effective July 1, 2021.

Supplemental Funding and Budgetary Adjustments (ACT 120)

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 $587,231,006; Interagency Transfers by ($15,639,612); Fees & Self-generated Revenues by $45,239,810; Statutory Dedications by ($504,619,775); and Federal Funds by ($177,060,217).

New law appropriates $27,043,431 of State General Fund (Direct) of nonrecurring revenue out of the surplus from Fiscal Year 2019-20 for the Unfunded Accrued Liability (UAL) in state retirement systems.

New law provides that any appropriation to a local government entity contained in Act 45 of the 2020 Second Extraordinary Session for which a valid cooperative endeavor agreement exists between the entity and the state treasury on June 30, 2021, shall be deemed a bona fide obligation through Dec. 31, 2021.

New law requires all other provisions of the cooperative endeavor agreement, including reporting requirements, to be performed as agreed.

New law provides that any appropriation contained in new law shall be deemed a bona fide obligation through June 30, 2022.

The Governor line-item vetoes 4 appropriations as unnecessary.

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

Naming of Student Athletes Act (ACT 180)

New law provides that Act No. 259 of the 2020 Regular Session, relative to students who participate in school-sanctioned athletics, shall be known and may be cited as "The Remy Hidalgo Act".

Effective August 1, 2021.

(Adds §2 of Act No. 259 of the 2020 R.S.)

East Baton Rouge Parish Recreation and Parks Commission (ACT 371)

Existing law authorizes the state to dedicate certain property in East Baton Rouge Parish for use by the Recreation and Parks Commission for the parish of East Baton Rouge for public recreation and park purposes, including the erection and maintenance of specific types of facilities.

New law authorizes the state to transfer any additional rights or interest, excluding mineral rights, or enter into any agreements with the Commission and third parties, which will facilitate uses of the dedicated property in addition to those provided in existing law.

Effective upon signature of governor (June 16, 2021).

October 2021 Statewide Election (ACT 461)

New law provides for a special election to be held on the second Saturday in October of 2021 for the sole purpose of submitting to the electors of the state any proposed constitutional amendment as enacted during any regular session of the legislature in 2021.

New law provides that it shall be void and of no effect if no proposed constitutional amendment, as contained in a joint legislation, is concurred in by each house of the legislature during the 2021 Regular Session that specifies the special statewide election in new law as the statewide election at which the proposed constitutional amendment shall be submitted to the electors.

Effective upon signature of the governor (June 28, 2021).

Capital Outlay Budget (ACT 485)

New law provides for the capital outlay budget and program for FY 2021-2022 and provides for the funding of the capital outlays from the specified sources of monies in specified amounts.

New law authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects.

Line vetoes vetoed 5 capital projects.

TITLE 1: GENERAL PROVISIONS

Juneteenth Day (ACT 128)

New law adds Juneteenth Day, the third Saturday in June, as a legal state holiday.

Effective August 1, 2021.

(Adds R.S. 1:55.1)

TITLE 2: AERONAUTICS

Drones (ACT 328)

Present law provides for the regulation of unmanned aerial systems and unmanned aircraft systems.

New law adds that nothing in new law can supercede the exclusive sovereignty of airspace of the U.S.

New law specifies that flight of an unmanned aerial system over the lands and waters of Louisiana is lawful, unless expressly prohibited by law.

New law specifies that the Louisiana Drone Advisory Committee is created within the Dept. of Transportation and Development (DOTD).

New law requires the secretary of the DOTD to create the Louisiana Drone Advisory Committee of 14 diverse members involved with deployment and advancement of drone technologies; and requires the Committee to provide recommendations to the secretary of the DOTD as well as both the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways, and Public Works on issues related to the adoption of drone technologies.

New law specifies that the members of the Louisiana Drone Advisory Committee will be appointed in various ways.

New law requires the Committee to meet at least four times a year starting in Aug. of 2021; appointments must be made no later than July 31, 2021; and must end at the completion of the 2022 Regular Session of the La. Legislature. New law requires replacement of a member resigning from the committee.

New law requires the members of the Committee to serve in an unpaid capacity.

New law provides that DOTD shall provide support staff and resources to the Committee.

New law requires the Committee to issue a report on the state of the unmanned aircraft system and unmanned aerial system industry in La. at least 30 days prior to the start of each legislative session. New law specifies the type of information to be included in the study, including an examination of the potential impact of drone highways for the first report.

New law requires the Committee to appoint one member to serve as a liaison with the Federal Aviation Administration, by majority vote of a quorum of members present at a meeting, to address any issues with federal, state, and local laws governing unmanned aircraft systems and unmanned aerial systems.

(Amends R.S. 2:2; adds R.S. 2:2.1)

Iberia Parish Airport Authority (ACT 443)

Existing law allows any airport district, airport authority, and other political subdivisions, including the New Orleans Aviation Board, to lease to any person, areas for operations space, improvements, and equipment on such airport or landing field in accordance with public bid law and existing law provisions relative to the lease of public lands.

New law allows the Iberia Parish Airport Authority, which operates LeMaire Airport in Jeanerette, Louisiana, to lease land, operations space, improvements, and equipment on such airport or landing field without advertising or competitive bidding, provided the Iberia Parish Airport Authority charges fair and reasonable prices for the property, which is determined by appraisals and fair market value comparisons in accordance with Federal Aviation Administration guidelines.

New law provides that the appraisals and fair market value comparisons required by new law be conducted and paid for by the Iberia Parish Airport Authority.

Effective August 1, 2021.

(Adds R.S. 2:135.1(A)(6))

Shreveport Downtown Airport (ACT 445)

Existing law provides that the length of all airport facility leases is for a period not to exceed 10 years; however, the lessor may grant the option to extend the lease term for an additional 10 years to any lessee who:

(1) Leases land or holds a 10-year lease in effect on or after Aug. 15, 1999, and within the 10-year lease term, adds or contracts to add permanent improvements to or on the land in the amount not less than $20,000.

(2) Has provided written notice to the lessor of the desire to extend the primary lease.

(3) Has provided proof that the improvements have been made or contracted for.

Existing law provides the option for the lessor to extend the lease term by an additional 10 years under the following conditions:

(1) When the lease provides that the improvements will become the property of the lessor at no additional cost to the lessor.

(2) When such improvements are in excess of $60,000 for non-air carrier airports or $100,000 for air carrier airports and the lease provides for the addition or construction on or to the land in these amounts.

Existing law prohibits the extended lease term from exceeding a maximum term of 100 years.

New law exempts the Shreveport Downtown Airport from the requirements of existing law.

Effective upon signature of governor (January 1, 2023).

(Adds R.S. 2:135.1(B)(2)(c))

Vivian Municipal Airport (ACT 446)

Existing law provides that the length of all airport facility leases is for a period not to exceed 10 years; however, the lessor may grant the option to extend the lease term for an additional 10 years to any lessee who:

(1) Leases land or holds a 10-year lease in effect on or after Aug. 15, 1999, and, within the 10-year lease term, adds or contracts to add permanent improvements to or on the land in the amount not less than $20,000.

(2) Has provided written notice to the lessor of the desire to extend the primary lease.

(3) Has provided proof that the improvements have been made or contracted for.

Existing law provides the option for the lessor to extend the lease term by an additional 10 years under the following conditions:

(1) When the lease provides that the improvements will become the property of the lessor at no additional cost to the lessor.

(2) When such improvements are in excess of $60,000 for non-air carrier airports or $100,000 for air carrier airports and the lease provides for the addition or construction on or to the land in these amounts.

Existing law prohibits the extended lease term from exceeding a maximum term of 100 years.

New law exempts the Vivian Municipal Airport from the requirements of present law.

Effective August 1, 2021.

(Adds R.S. 2:135.1(B)(2)(c))

TITLE 3: AGRICULTURE AND FORESTRY

Rural Development (ACT 331)

Existing law creates the office of rural development within the office of the governor and provides for the powers and authorities of the office and executive director.

Existing law defines "rural development and revitalization" to mean those policies, programs, laws, regulations, or other matters having to do with rural areas, including but not limited to economic development, employment, local government services and management, business, agriculture, environment, land use and natural resources, human services and community life, health care, education, transportation, community facilities, and housing.

New law adds "broadband connectivity" and "water quality and sewer treatment" as policy areas considered to be a part of rural development and revitalization, and modifies the definition of "rural development and revitalization" to include broadband connectivity, water quality, and sewer treatment.

New law defines "regional planning commission districts" as the eight regional planning commissions created pursuant to existing law.

Existing law specifies that the head of the office of rural development is a director appointed by the governor, and that the director can employ necessary staff to carry out the duties and functions of the office.

New law requires the director to hire eight new regional directors to be placed in each of the regional planning commission districts of the state. New law requires each applicant for regional director to reside in the district for which he seeks to be employed and requires each regional director to remain a resident of the district he is employed in for the entirety of his employment.

New law reestablishes previously repealed law to create the "Rural Development Fund" and "Rural Development Program" for the purpose of mitigating the rapid deterioration of rural health, education, infrastructure, and other systems essential to the socioeconomic well-being of the state's rural population.

New law provides for permissible sources of monies to deposit into the fund and guidelines for administering the funds and program.

Effective August 1, 2021.

(Amends R.S. 3:312, 313, and 314; Adds R.S. 3:321-323)

Delta Ag Research District (ACT 337)

New law creates the Delta Agriculture Research and Sustainability District as a political subdivision of the state.

New law provides that the District is established for the primary object and purpose of promoting and encouraging agricultural research and sustainability to stimulate the economy through commerce, industry, and research and for the utilization and development of natural and human resources of the area by providing job opportunities.

New law grants the District rights and powers of political subdivisions provided by the constitution for economic development purposes.

New law provides that the District will be governed by a 26-member board of commissioners appointed in various ways.

New law provides that members will serve during their tenure in the offices by which they are designated in new law. New law provides for vacancies on the board and how they will be filled.

New law requires board members to serve without compensation, except that the board may reimburse any member for actual expenses.

New law prohibits members of the board, individually, and members of their immediate families, from bidding on or entering into any contract or other transaction that is under the supervision or jurisdiction of the District.

New law requires the board to hire a District director to manage the day-to-day operations of the District, and to establish the duties and salary of the District director.

New law requires the District director to report directly to the board and, with approval of the board, authorizes the District director to hire an administrative assistant.

New law authorizes the District to exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes.

New law authorizes the District to borrow from time to time in the form of certificates of indebtedness. New law requires that such certificates be secured by the dedication and pledge of monies of the District derived from any lawful sources, provided that the term of such certificates do not exceed 10 years.

New law provides that the annual debt service on the amount borrowed cannot exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as estimated by the board and contained in the resolution adopted by the board for the issuance of such certificates.

New law provides for a period of 30 days in which any interested person may contest the legality of a resolution or ordinance adopted by the board authorizing the issuance of any bonds, certificates of indebtedness, or notes; and if no such challenge is issued within the 30-day period then no further cause of action exists and a legal presumption that every legal requirement has been complied with is created and no court has the authority to inquire into such matters.

New law requires the sale of bonds to be approved by the State Bond Commission and that they shall have the qualities of negotiable instruments under state commercial laws.

New law provides that no provision of new law can be construed so as to exempt the District from compliance with La. laws pertaining to open meetings, public records, fiscal agents, official journals, dual office holding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in the Constitution of La., and the La. Election Code.

New law authorizes the District to adopt a program or programs awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons.

New law requires that the financial records of the District be audited.

Effective August 1, 2021.

(Adds R.S. 3:341-347)

Aquatic Chelonian Research and Promotion (ACT 262)

Prior law created the La. Aquatic Chelonian Research and Promotion Bd., provided for its purpose and powers, as well as the composition of the board and its officers, authorized the board to assess a fee on all aquatic chelonians produced in La., created a process for refunds, established a fund within the La. Dept. of Agriculture and Forestry (LDAF) for the deposit and disbursement of fees and other monies received under prior law for paying the costs related to the promotion of research, advertising, and marketing of aquatic chelonians, and provided for offenses and penalties. New law repeals prior law.

Prior law placed the board within the LDAF. New law repeals prior law.

New law transfers any monies received under prior law to the La. Agricultural Finance Authority to fund all costs related to a campaign for expanding research related to aquatic chelonians, improving the quality and variety of La. aquatic chelonians through research, and increasing sales of La. aquatic chelonians through advertising and marketing.

Prior law required the board to employ a director and assistant director in unclassified service positions under the supervision of the commissioner of agriculture and forestry. New law transfers the prior law positions to the aquacultural development program established by law under the LDAF.

Effective upon signature of governor (June 14, 2021).

(Repeals R.S. 3:559.21-559.29 and R.S. 36:629(Q))

Lifetime Livestock Brands and Marks (ACT 234)

Existing law provides for the duration and renewal of the recordation of livestock brands and marks by the Livestock Brand Commission.

New law requires the Commission to make available the option of a lifetime recordation through application, approval by the Commission, and payment of the required fee.

New law requires the Commission to establish by rule or regulation a fee, not to exceed $75.00, for the lifetime recordation of a brand or mark.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 3:749(A); Adds R.S. 3:737(C))

Dairy Products Subject to Analysis (ACT 58)

Prior law specifically excluded milk and other dairy products, cotton seeds, and soybeans from the agricultural products authorized to be sampled and analyzed by the commissioner.

New law repeals prior law exclusion.

Effective upon signature of the governor (June 4, 2021).

(Repeals R.S. 3:856)

Industrial Hemp and Consumable Hemp Products (ACT 336)

Prior law authorized industrial hemp grower licensees to cultivate, handle, and transport industrial hemp in the state. New law removes "handle", and further authorizes licensees to possess, store, trim, dry, and cure industrial hemp.

Present law provides for registration and label requirements for commercial feed. New law exempts commercial feed manufactured and registered pursuant to consumable hemp regulations.

Present law requires licensure of contract carriers. New law removes that requirement and creates a handler license.

New law extends the timeframe to harvest approved industrial hemp from 15 days to 30 days.

Prior law authorized the Dept. of Agriculture and Forestry (LDAF) to detain, seize, destroy, or embargo any industrial hemp crop or product that exceeds the federally defined THC level for hemp. New law repeals present law.

New law authorizes the University of Louisiana at Monroe Agribusiness Program to cultivate, handle, and process industrial hemp and industrial hemp seeds for research and development of new varieties.

New law requires all industrial hemp licensees whose intent is to perform research, except the universities exempted in present law, to submit an annual research plan to the LDAF. New law requires LDAF to adopt rules for performance based-sampling for those licensees.

New law requires the LSU Ag Center to develop a centralized industrial hemp website in collaboration with regulatory agencies and stakeholders.

New law changes "industrial hemp-derived CBD product" to "consumable hemp product" and provides that consumable hemp products are any industrial hemp-derived products that contain any cannabinoid, including CBD. New law provides that consumable hemp product includes commercial feed, pet products, and hemp floral material.

New law requires that present law and new law dealing with consumable hemp products are preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than state law.

New law establishes a consumable hemp processor license issued by the La. Dept. of Health (LDH) and establishes a fee schedule for the license.

New law creates criminal penalties of not less than one year nor more than 20 years imprisonment at hard labor and a fine of not more than $50,000 for processing consumable hemp products without a license.

Present law prohibits processing or selling any part of hemp for inhalation, except hemp rolling papers. New law removes the prohibition on processing hemp for inhalation.

Present law prohibits processing or selling any food or beverage containing CBD unless the FDA approves CBD as a food additive. New law removes that prohibition.

Present law prohibits any CBD products that contain any active pharmaceutical ingredient other than cannabidiol. New law exempts products intended for topical application from the prohibition.

New law provides that consumable hemp products cannot contain a total delta-9 THC concentration of more than 0.3% nor a total THC concentration of more than 1% on a dry weight basis.

New law prohibits consumable hemp products from containing any cannabinoid that is not naturally occurring.

New law defines THC as a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

New law requires any floral hemp material to be contained in tamper-evident packaging and not be labeled or marketed for inhalation.

New law provides that any facility processing hemp products for human consumption outside of the scope of the definition of consumable hemp product shall be regulated by LDH in accordance with the State Food, Drug, and Cosmetic Law.

New law establishes a wholesaler license for consumable hemp products issued by the office of alcohol and tobacco control (ATC).

New law establishes a wholesaler license fee not to exceed $500.

New law imposes civil fines for selling hemp-derived CBD products at retail without a permit.

New law expands the violations for which the civil penalties can be imposed and provides that each day a violation occurs is a separate offense.

New law requires ATC to investigate any report of a violation of a provision of present law as related to consumable hemp products and report any criminal violation to the appropriate law enforcement agency.

Present law provides for an industrial hemp-derived CBD excise tax.

New law changes the taxable product to consumable hemp products.

(Amends R.S. 3:1402, 1461, 1462, 1464, 1465, 1466, 1468, 1471, 1481, 1482, 1483, 1484, and 1485 and R.S. 47:1692 and 1693(A); adds R.S. 3:1469(C) and 1473)

La. Equine Promotion and Research Program (ACT 168)

New law establishes the program to support the growth and development of the equine industry in Louisiana.

New law creates the La. Equine Promotion and Research Advisory Board within the Dept. of Agriculture and Forestry.

New law provides that the Board shall consist of thirteen members appointed by the commissioner and meeting various qualifications.

New law requires the commissioner, the lieutenant governor, and the president of the La. Farm Bureau Federation, Inc., or their designees, to serve as ex officio members in an advisory capacity only.

New law provides for the organization and administration of the Board, including provisions for nominations, the length of terms, vacancies, quorum requirements, expulsions, meetings, and the appointment of officers.

New law provides the Board should be representative of the state's population by race and gender to ensure diversity.

New law prohibits members of the Board from receiving any compensation.

New law requires the Board to: (1) advise the commissioner on the development and maintenance of the program, (2) maintain a permanent record of its proceedings, and (3) submit an annual report of its activities to the Senate and House Committee on Agriculture, Forestry, Aquaculture, and Rural Development by January first of each year.

New law authorizes the Board to:

(1) Provide information to governmental entities upon request on subjects of concern to the equine industry and collaborate with the state or federal government on the development and administration of the program.

(2) Cooperate with any local, state, regional, or national organization or agency engaged in activities consistent with the objectives of the program.

New law authorizes the commissioner to:

(1) Adopt rules and regulations as are necessary to administer the program.

(2) Enter into contracts or other agreements to accomplish any purpose authorized by new law, including advertising, education, marketing, promotion, research, or services.

New law authorizes the commissioner to accept and expend monies from any source, including gifts, contributions, donations, state appropriations, and federal grants, and to accept and use services from individuals, corporations, and governmental entities.

New law requires all funds made available to the commissioner to be expended only to effectuate the purposes of new law, including various specified uses.

New law provides for the transfer of the Board to the Dept. of Agriculture and Forestry as provided by law.

Effective upon signature of the governor (June 11, 2021).

(Adds R.S. 3:2071-2077 and R.S. 36:629(T))

Animal Health (ACT 65)

Old law required the La. Bd. of Animal Health to include the appointment of one dairy farmer selected from a list of persons nominated by organized dairy cooperatives domiciled in La. New law removes the qualification that the dairy farmer must be selected from a list of persons nominated by organized dairy cooperatives.

Present law provides for the disposal methods of cremation or deep burial of livestock animal carcasses in order to prevent, control, and eradicate certain diseases of these animals. New law adds any other sanitary method approved by the U.S. Dept. of Agriculture to the list of accepted disposal methods.

Old law defined the term "burial". New law changes the term to "deep burial" but maintains the current definition.

(Amends R.S. 3:2091 and 2131)

Adopted Pet Sterilization (ACT 178)

Existing law prohibits the practice of veterinary medicine in La. by anyone who is not a licensed veterinarian or does not possess a valid temporary permit issued by the La. Bd. of Veterinary Medicine, with the exception of a regular student in a veterinary school performing duties or actions assigned by his instructors or working under the direct supervision of a licensed veterinarian during a school vacation period.

Existing law requires any public or private animal shelter or animal control agency that sells, or releases through adoption, a dog or cat, to first have it sterilized or enter into an agreement with the adopter or purchaser to have it sterilized by a La. licensed veterinarian.

Existing law authorizes certain public or private animal shelters or animal control agencies to enter into an agreement with an adopter or purchaser ensuring that sterilization will be performed by a La. licensed veterinarian.

New law additionally authorizes a regular student in the fourth year or the second semester of their third year of veterinary school that is performing duties under existing law to also perform sterilizations on dogs or cats being sold or released through adoption by an animal shelter or animal control agency in the state.

Effective August 1, 2021.

(Amends R.S. 3:2472)

Removal of Cypress Trees on State Property (ACT 190)

Prior law prohibited, without consent, the cutting or removal of trees on the land of another, including cypress trees on water bottoms owned by the state, with the exception of doing so for the purpose of maintaining rights-of-way or by utilities when mitigating damage caused by acts of God.

New law repeals the portion of existing law regarding the prohibition against the cutting or removal of cypress trees on water bottoms owned by the state without consent.

New law prohibits the cutting, felling, destroying, removing, or diverting for sale or use of any cypress trees growing or lying on all property owned by the state, with exception of the following:

(1) Removal of a fallen cypress tree or its stump with the consent of, or in accordance with the direction of, the government entity owning the land.

(2) Clearing and maintenance of trails or roads on wildlife management areas.

(3) Cutting or clearing as part of a management plan for managing aquatic vegetation, and that plan is developed or approved by the Dept. of Wildlife and Fisheries.

(4) Cutting or clearing of cypress trees for the purpose of creating a necessary boat lane or navigation corridor and the cutting or clearing of standing cypress trees is unavoidable and approval is received from the Dept. of Wildlife and Fisheries.

(5) For integrated coastal protection projects or a project listed in the comprehensive master coastal protection plan as defined in law.

(6) For levee or drainage projects by the departments, agencies, boards, or commissions of the state and their political subdivisions, including but not limited to a levee district or levee and drainage district as identified in law.

Prior law established penalties for both the willful and intentional and good-faith removal of trees on the land of another or co-owned land without consent, and establishes an additional penalty of up to $5,000, imprisonment not exceeding six months, or both for the removal of cypress trees on state-owned water bottoms.

New law repeals the portion imposing the additional penalty for the removal of cypress trees on state-owned water bottoms. New law references existing law penalties for violation of new law and reestablishes the additional penalty of a $5,000 fine, imprisonment not exceeding six months, or both and applies it to the removal of cypress trees on all state-owned property.

New law requires a five-year liberative prescriptive period for any civil action filed pursuant to new law.

Prior law authorized those acting under a lease agreement or permit with the state land office and the register of the state land office to permit the selective cutting of cypress on water bottoms owned by the state. New law removes the authorizations in prior law.

Prior law required a buyer who purchases timber on an undivided piece of land from a coowner or co-heir to obtain consent from the co-owners or co-heirs holding at least an 80% interest in the land, provided the buyer has made a reasonable effort to contact the co-owners or co-heirs who have not consented, and if contacted, has offered to contract with them on substantially the same basis as he has contracted with the other co-owners or co-heirs.

New law reduces the percent interest in the land from 80% to 75%.

New law designates the Act as the "Hartwell Old Growth Act".

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 3:4278.2(B) and R.S. 41:1009; Adds R.S. 3:4278.5; Repeals R.S. 3:4278.1(F))

Weighing Related Fees (ACT 145)

New law increases the registration fee for each commercial weighing and measuring device.

New law increases the weighmaster annual license fee from $75 to $100.

New law increases the registration fee for each service person within a service agency from $50 to $65.

Effective July 1, 2021.

(Amends R.S. 3:4622)

TITLE 4: AMUSEMENTS AND SPORTS

National Anthem and Sports (ACT 224)

New law provides that no competitive athletic event shall be held in a venue, the construction, operation, or maintenance of which is funded wholly or partially by the state or a political

subdivision of the state, without the playing of the national anthem prior to the event.

Effective August 1, 2021.

(Adds R.S. 4:3)

Historical Horse Racing and Offtrack Wagering (ACT 437)

New law provides for historical horse racing and defines "historical horse racing" as a form of horse racing that creates pari-mutuel pools from wagers placed on horse races previously run at a pari-mutuel facility licensed in the United States, concluded with official results and without scratches, disqualifications, or dead-heat finishes, through machines permitted and authorized by the La. State Racing Commission.

New law defines "pari-mutuel wagering", "pari-mutuel system of wagering", or "mutuel wagering" as any method of wagering previously or hereafter approved by the Commission in which one or more patrons wager on a horse race or races, whether live, simulcast, or previously run.

New law authorizes wagers to be placed in one or more wagering pools, and wagers on different races or sets of races may be pooled together.

New law authorizes patrons to establish odds or payouts, and winning patrons share in amounts wagered, including any carryover amounts, plus any amounts provided by an association, less any deductions required, as approved by the Commission and permitted by law. New law provides that pools may be paid out incrementally over time as approved by the Commission.

New law defines "net commission" as the commission retained by a licensee on pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes applicable to such wagers.

Prior law authorized an association licensed by the Commission to accept and transmit wagers and engage in all activities to establish appropriate offtrack wagering facilities, to conduct activities which include but are not limited to: (1) live simulcast of races from the host track, (2) construction or leasing of offtrack wagering facilities, (3) sale of goods and beverages, (4) advertising and promotion, and (5) all other related activities.

New law adds historical horse racing on the premises of offtrack wagering facilities via dedicated machines or personal mobile devices.

New law provides that no primary licensee may operate more than five offtrack wagering facilities in which historical horse racing is permitted. However, any primary licensee that operates more than five offtrack wagering facilities as of July 1, 2021, may conduct historical horse racing at all of its licensed facilities.

New law provides that historical horse racing is not to be authorized at any future offtrack wagering facility for that primary licensee, if the primary licensee is operating more than five offtrack wagering facilities.

New law provides that if a primary licensee's existing licensed offtrack wagering facilities on July 1, 2021, cease to be a licensed offtrack wagering facility for reasons other than force majeure, the number of offtrack wagering facilities allowed to conduct historical horse racing for that primary licensee is to be reduced by the number of its offtrack wagering facilities that cease to be licensed, until the time that the primary licensee is reduced to no more than five licensed offtrack wagering facilities allowed to conduct historical horse racing.

New law limits each primary licensee or licensed offtrack wagering facility to not more than 50 historical horse racing machines in service at any given time.

New law provides that application from an eligible facility to conduct historical horse racing in Orleans Parish may be approved by the Commission only after the Amended and Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, is amended to provide that the conducting of historical horse racing at the

eligible facility in Orleans Parish shall not constitute an exclusivity violation or prohibited land-based gaming as defined in the contract, and the amendment to the contract is approved by the Joint Legislative Committee on the Budget as required by Section B of Act No. 1 of the 2001 First Extraordinary Session.

New law prohibits historical horse racing being conducted via a machine or website or mobile application beyond the property of the pari-mutuel facility or offtrack wagering facility.

New law requires that historical horse races and wagers are subject to the following provisions:

1. Commissions on wagers on historical horse races made at offtrack wagering facilities shall not exceed 12% of all wagers and shall be set by the licensee and approved by the Commission. The offtrack wagering facility where the wager is made may either retain the breakage on the wagers or include the breakage in the applicable historical horse racing pari-mutuel pool or pools. New law requires that commissions be deducted and retained by the licensee of the offtrack wagering facility where the wager is made.

2. The licensee shall disburse 20% of the net commission to supplement horsemen's purses.

3. R.S. 4:149.3, 149.5, 161, 161.1, 161.2, 162, 163.1, 165, 166, 166.1 through 166.7, 167, 177, 183, 218, and 220 shall not apply to historical racing or the licensee with respect to historical racing.

New law requires that the monies designated for purses from wagers placed at offtrack wagering facilities on historical horse races be distributed in the same manner as set forth in R.S. 27:438(B) as in effect at the time of any distribution, and if R.S. 27:438(B)(2)(a) becomes effective, any quarter horse purse supplements shall be included in the calculation of the applicable maximum of $1 million dollars per state fiscal year and the settlement amount as set forth.

New law requires the following relative to offtrack wagering facility locations, prohibited distances, and prohibited structures:

(1) No license shall be granted to any offtrack wagering facility located, at the time application is made for a license to operate offtrack wagering facilities, within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. Measurement of the distance shall be a straight line from the nearest point of the proposed offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

(2) After an application is filed with the Commission, the subsequent construction, erection, development, or movement of a property which causes the location of an offtrack wagering facility to be within the prohibited distance shall not be cause for denial of an initial or renewal application or revocation of a license.

(3) The location limitation does not apply to the location of an offtrack wagering facility which applied for a license or was issued a license on or before July 1, 2021, or which applied for or was issued a valid building permit on or before July 1, 2021, and subsequently issued a license. The location shall be eligible for an offtrack wagering facility license without reference to the prohibition in Item (1) above unless, after having obtained a license, an offtrack wagering facility has not been licensed at that location for 36 consecutive months and application for licensing is not made within that 36-month period.

(4) For locations on which an offtrack wagering facility has not been completely constructed, if application for licensing was made on or before July 1, 2021, the prohibited distance in Item (1) above shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

(5) If a parish or municipality does not have a zoning ordinance which designates certain property within its jurisdiction as residential

property, the governing authority of the parish or municipality may designate certain areas of its jurisdiction as residential.

(6) The location limitation in Item (1) above applies to applications for licensing made after July 1, 2021.

New law, for purposes of Item (1) above, defines "residential property" as any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property does not include a mobile home or manufactured housing, unless it has been in its present location for at least 60 days, and does not include any hotel or motel.

Effective upon signature of the governor (June 21, 2021).

(Amends R.S. 4:143, 148, 149, 166.7, 213 and 214; adds R.S. 4:211(8), 216(E), 217(E) and 228)

Horse Racing Dates (ACT 436)

Present law provides that the Louisiana State Racing Commission (LSRC) has the specific duty to set the dates during which any race meetings may be conducted in Louisiana, including dates which limit racing at particular tracks to quarter horses only.

Present law provides that on or before May first and Sept. first, after receipt of applications from the various licensed racing associations, LSRC shall convene to consider the refusal or granting of licenses to conduct the race meetings applied for.

New law adds that LSRC shall assign dates for all race meetings at each track and license in accordance therewith and shall set a minimum number of live races per race day.

New law authorizes LSRC to amend an application, or any included race dates, or assign dates different than that included in the application, for any reason that it considers sufficient, making every effort to reduce conflicting or overlapping live race meeting dates for the tracks in this state.

Prior law required LSRC to place on its agenda any written request made by the Louisiana Horsemen's Benevolent and Protective Association 1993, Inc. which is submitted no later than 10 business days before a properly noticed meeting of the commission. New law repeals prior law.

Effective July 1, 2021, and the provisions of Section 1 are applicable to race meetings held on and after October 1, 2021.

(Amends R.S. 4:147 and 158)

TITLE 5: AUCTIONS AND AUCTIONEERS

TITLE 6: BANKS AND BANKING

Interstate Banking (ACT 17)

Old law provided that if the U.S. Congress enacts legislation authorizing de novo interstate banking, it shall be the public policy of the state to choose not to be subject to the provisions of that legislation. New law deletes old law.

Old law allowed all banks domiciled in the state having a capital of $100,000 or more to open branch offices within the state. New law allows all banks domiciled in the state to open branch offices within or outside of the state.

Old law allowed an out-of-state bank holding company to enter the state only through the purchasing of certain financial institutions that are established in the state. New law deletes old law.

Old law prohibited an out-of-state bank holding company from entering the state by creating a de novo bank or creating a state bank holding company through which to create a de novo bank. New law deletes old law.

Old law allowed an out-of-state bank to enter the state only through the purchase of certain financial institutions that are established in the state. New law deletes old law.

Old law prohibited an out-of-state bank to create a de novo bank or de novo branch or branches or through the creation of a state bank holding company to create a de novo bank. New law deletes old law.

(Amends R.S. 6:5, 501(A), 535(C), and 536(C))

Bank Stockholder Meetings (ACT 23)

Present law allows stockholders' meetings to be held anywhere in the state. New law also allows the meetings to be held by remote communication as provided for in new law.

Present law allows for a special meeting of stockholders to be held at the registered office when certain conditions are met. New law also allows the meeting to be held by remote communication.

Present law requires an authorized person calling a stockholders' meeting to provide written notice which states the time, place, and purpose of the meeting. New law specifies that for purposes of a meeting held by remote communication, the notice is to describe the place by including the means of remote communication to be used and any required access instructions.

Present law provides that a person may be counted for purposes of a quorum if the person is participating in person or by proxy. New law also allows a person to be counted for purposes of a quorum if the person is attending by remote communication as provided in new law.

Present law allows members and stockholders to vote in person or by proxy. New law also allows a member or stockholder to vote by remote communication as provided for in new law.

Present law requires special meetings of the members of savings banks to be held at the business office of the savings banks, or if that space is inadequate, in a designated space in the same parish. New law also allows the meeting to occur by remote communication as provided for in new law.

Present law requires notice be provided for an annual meeting of a savings bank. The notice is required to contain the time, place, and purpose of the meeting. New law specifies that for purposes of a meeting held by remote communication, the notice is to describe the place by including the means of remote communication to be used and any required access instructions.

(Amends R.S. 6:272, 273, 274, 709, 1182, 1183, 1185, and 1187 and R.S. 12:1-709)

Enforcement of Solicitation Law (ACT 267)

Present law prohibits a solicitor from using a lender's name, trade name, service mark, or trademark in a solicitation for the offering of services or products to a consumer, unless certain conditions are met.

New law allows the commissioner of the Office of Financial Institutions to use the enforcement powers granted to him in present law against a violating solicitor.

New law provides that a violation of present law is considered a violation of the false advertising provisions of present law and allows the state attorney general to enforce the appropriate penalties provided in present law.

New law provides that the commissioner is not required to prove actual damages when seeking to enjoin a solicitor from unlawfully using a name, trade name, trademark, service mark, or loan information, and provides that irreparable harm is to be presumed.

New law allows the commissioner to be awarded costs and reasonable attorney fees if he prevails against a solicitor in violation of proposed law.

New law requires any action arising out of a violation of new law to be brought in the 19th Judicial District Court.

(Adds R.S. 6:412.1(I) and (J))

Credit Union Director Compensation (ACT 34)

Old law allowed for only one board officer to be compensated as an officer of the board. New law repeals this limitation.

Old law prohibited a member of the board of directors or of the credit or supervisory committees from receiving any compensation for service as a member of the board or of the committee. New law repeals this prohibition.

New law allows a credit union to reasonably compensate an officer, director, or committee member for services to the credit union and also allows expense reimbursement for loss of pay and per diem.

Present law provides that the payment by the credit union of premiums for liability, travel, accident, hospitalization, or life insurance coverage is not considered compensation. New law changes hospitalization insurance to health insurance.

(Amends R.S. 6:649)

Car Dealer Changes (ACT 40)

Present law provides that a motor vehicle seller, who also may be an extender of credit, may charge a fee for credit investigation, compliance with federal or state law, preparation of documents, and any other functions incidental to the titling of the retail sale.

Old law provided that the maximum permitted amount is $200.

New law changes the maximum fee from $200 to $425.

Effective August 1, 2021.

(Amends R.S. 6:969.18)

TITLE 7: BILLS AND NOTES

TITLE 8: CEMETERIES

TITLE 9: CIVIL CODE ANCILLARIES

Child Support and Incarceration (ACT 339)

Existing law provides that in cases where the Dept. of Children and Family Services (DCFS) is providing support enforcement services, if the best interest of the child so requires, DCFS shall request a judicial review upon request of either party or on DCFS's own initiative.

New law adds that DCFS shall request a judicial review upon request of either party or DCFS's own initiative when a party is incarcerated or when the child support award is suspended during the obligor's incarceration.

Existing law provides for the temporary suspension of a child support order due to an obligor's incarceration for more than 180 days. New law includes cases in which the obligor is sentenced to 180 days or more with or without hard labor.

Prior law required the Dept. of Public Safety and Corrections (DPSC) or the sheriff to notify DCFS of any person in their custody that may be subject to a child support order at least six months before the inmate is scheduled to be released from incarceration. New law requires the time frame for notification to be determined by an interagency agreement between DCFS and DPSC.

Prior law required DCFS to provide notice to the custodial party by certified mail, return receipt requested, that a child support obligation was suspended. New law instead requires DCFS to provide notice by regular mail.

Prior law required DCFS to include in the notice a statement that the child support order was required to be suspended, unless the custodial party objected within 15 days upon certain grounds. New law repeals prior law.

Prior law provided that if the custodial party did not object, the suspension became effective when DCFS filed an affidavit with the court. New law instead provides that DCFS shall file an affidavit with the court no more than 15 days after

receiving the notice provided by DPSC, and the suspension shall become effective when DCFS files an affidavit with the court.

Prior law authorized DCFS or either party to file a motion with the court, upon which the court was required to suspend the child support obligation, unless certain conditions existed. Prior law provided that if the custodial party made a timely objection, DCFS was required to file a contradictory motion with the court. New law repeals prior law.

Existing law provides that a suspended child support order shall resume by operation of law on the first day of the second full month after the obligor's release from incarceration.

New law adds that if the obligor is released from incarceration while the child is a minor, DCFS or either party shall petition the court prior to the first day of the second full month after the obligor's release from incarceration for a modification hearing to establish the terms of the previously suspended child support order.

Existing law provides for continuing a suspended child support award beyond the termination date under certain circumstances. New law adds that if the child is a minor at the time of the obligor's release from incarceration, the court may continue the child support award at the modification hearing held following the obligor's release.

Prior law prohibited a party from being deemed voluntarily unemployed or underemployed for purposes of calculating a child support obligation if he was incarcerated for 180 consecutive days or longer.

New law instead provides that a party shall not be deemed voluntarily unemployed or underemployed if he is incarcerated and is unemployed or underemployed as a direct result of incarceration.

Effective August 1, 2021.

(Amends R.S. 9:311, 311.1, and 315.11; Repeals R.S. 9:315.27)

Louisiana Uniform Transfer on Death Security Registration Act (ACT 167)

New law provides for the transfer of certain securities to a beneficiary on the death of the owner of such securities.

New law defines "security" as a share, participation, or other interest in movable property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account, but does not include a share, participation, or other interest in immovable property.

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

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

New law provides that, on proof of death of a sole owner or the last to die of all multiple owners, and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be registered in the name of the beneficiary or beneficiaries who survived the death of all owners, but such registration in the name of the beneficiary or beneficiaries has no effect on ownership.

New law provides that by accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration will be implemented on death of the deceased owner as provided in new law.

New law provides that such registering entity is discharged from all claims to a security by the estate, surviving spouse, creditors, heirs, legatees, or forced heirs of a deceased owner, if it registers

a transfer of the security in accordance with the new law and does so in good faith reliance (a) on the registration, (b) on the new law, and (c) on information provided to it by affidavit of the succession representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives.

New law provides that its protections do not extend to a registration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form. No other notice or information available to the registering entity affects its right to protection under the new law.

New law provides that its protections to the registering entity of a security does not affect the rights of succession representatives, surviving spouses, heirs, legatees, forced heirs, or creditors in disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

New law authorizes certain terms, conditions, and forms for registration.

New law provides that it shall become effective on January 1, 2022, and shall apply only to registrations of securities in beneficiary form made on and after that date.

New law provides that it does not preclude or govern the application of payable on death accounts and other transfers by a bank or savings institution as authorized by Title 6 of the Louisiana Revised Statutes of 1950.

Effective January 1, 2022.

(Adds R.S. 9:1711-1711.9)

Contractor Liability (ACT 245)

Existing law provides that a proprietor shall not make any work on his property that may deprive his neighbor of the liberty of enjoying his own or that may be the cause of any damage to his neighbor. Existing law provides that he is answerable for damages only upon a showing that he knew or, in the exercise of reasonable care, should have known that his works would cause damage, that the damage could have been prevented by the exercise of reasonable care, and that he failed to exercise such reasonable care.

Existing law provides that the proprietor is answerable for damages without regard to his knowledge or his exercise of reasonable care, if the damage is caused by an ultrahazardous activity, which is strictly defined as pile driving or blasting with explosives.

Existing statutory law provides that it is the public policy of the state that the responsibility that may be imposed on an agent, contractor, or representative by reason of the responsibility of proprietors pursuant to existing law shall be limited solely to the obligation of such agent, contractor, or representative to act as the surety of such proprietor in the event the proprietor is held to be responsible for damage caused and resulting from the work of such agent, contractor, or representative, and only in the event the proprietor is unable to satisfy any claim arising out of such damage.

New law limits existing statutory law surety liability imposed upon an agent, contractor, or representative to liability caused by ultrahazardous activity pursuant to existing law or any other provision of law.

New law applies to any suit filed on or after the effective date of new law.

Effective August 1, 2021.

(Amends R.S. 9:2773(A))

Prescription of Crimes Against Children (ACT 322)

Prior law provided that prescription on an action against a person for sexual abuse of a minor, or for physical abuse of a minor resulting in permanent impairment, permanent physical injury, or scarring, commenced to run from the day the minor attained majority and was suspended for all purposes until the minor

reached the age of majority, subject to any exception of peremption provided by law.

New law provides that such an action does not prescribe.

New law provides that an action against a person convicted of a crime against a child, as defined by existing law, does not prescribe and may be filed at any time following conviction.

Existing law defines "crime against the child" as the commission or attempted commission of any of 19 listed crimes against an unemancipated minor.

New law provides that a party whose action under prior law was barred by liberative prescription prior to the effective date of the Act may file such an action against a party for a period of three years following the effective date of the Act.

Effective upon signature of governor (June 14, 2021).

(Amends R.S. 9:2800.9(A))

Landlord Notices to Applicants (ACT 422)

New law provides that a landlord (lessor) may not require payment of an application fee, unless the landlord gives written notice to applicants of the following:

(1) The application fee.

(2) Whether the landlord considers credit scores, employment history, criminal history, or eviction records.

(3) That the applicant can submit a statement to the landlord explaining, in 200 words or less, that the applicant has experienced financial hardship because of a state- or federally-declared disaster or emergency and how the hardship has impacted the applicant's credit, employment, or rental history.

(4) The landlord's notice regarding the applicant's statement of financial hardship is required to reference the COVID-19 pandemic and hurricanes.

New law applies to all landlords of property used as a lessee's primary residence, except for owner-occupied buildings with no more than four units.

New law prohibits causes of action and allows for immunity for a landlord's alleged violation of existing and new law.

Effective August 1, 2021.

(Adds R.S. 9:3258.1)

Abandoned Movable Property (ACT 25)

New law provides for a privilege on certain abandoned movable property located on immovable property of another and provides for enforcement of the privilege.

New law provides that the owner of immovable property shall have a privilege on any abandoned movable property, including an abandoned manufactured home not exceeding $5,000 and not encumbered by a mortgage, lien, privilege, or security interest, placed upon the immovable property pursuant to a lease agreement, in order to secure payment of rent and other obligations arising under the lease.

New law provides that in the event of default by the lessee and abandonment of the manufactured home, the owner of the immovable property may enforce judicially all of his rights under the lease agreement.

New law authorizes the owner to enforce his privilege for the debt due him, by following certain procedures, including removing and replacing any lock on the abandoned manufactured home and compiling a brief description of the abandoned movable property, including the serial and vehicle identification numbers of the abandoned manufactured home.

New law provides for the content and delivery of notice in person by certified mail to the lessee of the owner's intention to enforce his privilege.

New law provides that actual receipt of the notice shall not be required, and that within 14 days after mailing of the notice, an advertisement of the sale of abandoned movable property shall be published on at least one occasion in a newspaper of general circulation where the abandoned manufactured home is located, and further provides for the content of the advertisement.

New law provides that upon completion of the procedures established by new law, the owner of the immovable property may file suit for possession or ownership of the abandoned movable property pursuant to C.C.P. Art. 4912.

New law requires that the owner of the immovable property shall attach to the petition evidence of the lease agreement, copies of the notice and advertisement, and evidence that the abandoned movable property is valued at less than $5000. If the serial or vehicle identification numbers are not known, the owner of the immovable property shall attach evidence of a physical inspection of the vehicle by a Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer. The owner of the immovable property shall attest that there is no mortgage, lien, privilege, or security interest encumbering the abandoned manufactured home based on a search of the parish mortgage records and records of the Dept. of Public Safety and Corrections, office of motor vehicles. Upon finding that the owner of the immovable property has satisfied the requirements of new law, the court shall authorize the sale of the abandoned movable property by the petitioner.

New law provides that any sale or other disposition of the abandoned movable property shall be held at the address of the immovable property where the abandoned manufactured home is located, and that the owner shall sell the abandoned movable property to the highest bidder, if any. The buyer takes the property subject to any mortgages, liens, privileges, and security interests that encumber the abandoned manufactured home.

New law provides that if there are no bidders, the owner may purchase the abandoned movable property for a price at least sufficient to satisfy his claim for lease payments due and all other charges, or he may donate the abandoned movable property to charity.

New law authorizes the lessee, prior to any sale or other disposition of abandoned movable property, to pay the amount necessary to satisfy the privilege, including all reasonable expenses incurred in order to redeem the abandoned movable property, and that upon receipt of such payment, the owner shall have no liability to any person with respect to such abandoned movable property.

New law provides that a purchaser in good faith of abandoned movable property sold by an owner to enforce the privilege takes the property free of any claims or rights of persons against whom the privilege was valid, despite noncompliance by the owner with the requirements of new law.

New law provides that the owner may satisfy his privilege from the proceeds of the sale, but requires the owner to hold the balance, if any, as a credit in the name of the lessee whose property was sold. New law provides that the lessee may claim the balance of the proceeds within two years of the date of sale and if unclaimed within the two-year period, the credit shall become the property of the owner.

New law provides that if the proceeds of the sale are insufficient to satisfy the owner's claim for lease payments due and other charges, the owner may proceed by ordinary proceedings to collect the balance owed.

New law provides that after conclusion of the sale, the act of sale of the manufactured home may be filed with the court, and a judgment recognizing the sale shall be rendered by the court and recognized by the Dept. of Public Safety and Corrections pursuant to C.C.P. Art. 4912.

Present law provides that a justice of the peace court shall, within its territorial jurisdiction, have jurisdiction, concurrent with the parish or district court, over suits for the possession or ownership of movable property not exceeding $5,000 in value, and over suits by landowners or lessors for the eviction of occupants or tenants of leased

residential premises, regardless of the amount of monthly or yearly rent or the rent for the unexpired term of the lease.

Present law provides that a judgment of ownership of a vehicle ordered by a justice of the peace court shall be recognized by the office of motor vehicles of the Dept. of Public Safety and Corrections in accordance with the provisions of Chapter 4 of Title 32 of the La. R.S. of 1950.

New law provides that the provisions of present law shall also be applicable to suits for possession and ownership of an abandoned manufactured home not exceeding $5,000 in value.

(Adds R.S. 9:3259.3 and C.C.P. Art. 4912(A)(3))

Sexual Assault and Residential Leases (ACT 1)

New law provides for victims of sexual assault to receive early termination of their residential leases.

New law provides that in order to receive an early termination, the lessee shall do all of the following:

(1) Assert in writing to the lessor that the lessee is a victim of sexual assault and requests an early termination.

(2) Provide reasonable documentation of a sexual assault within the prior six months.

(3) Assert in writing that the lessee shall not willingly and voluntarily permit the sexual offender further access to, visitation on, or occupancy of the lessee's residential dwelling unit.

(4) Fulfill all requirements of a lessee under the lease agreement.

New law requires the lessor to terminate the lease agreement on a mutually agreed-upon date within 30 days of written request for early termination, and provides that the lessee is liable for rent through the early termination date of the lease and outstanding obligations to the lessor.

New law provides that the lessee shall vacate the residential property by the date agreed upon to avoid liability for future rent.

New law provides that the lessor shall be entitled to an immediate eviction of a sexual assault offender upon presenting reasonable documentation of the assault.

New law provides for a certification of sexual assault form to be completed by the lessee and a qualified third party.

(Adds R.S. 9:3261.2)

Self-Service Storage Unit Leasing (ACT 111)

New law provides that a lessee of a self-service storage unit shall be given a notice of privilege either written in the rental agreement or through their wireless telecommunications device.

New law defines "wireless telecommunication device" as a cellular telephone, a text messaging device, a personal digital assistant, a stand-alone computer, or any other substantially similar wireless device.

New law provides that if an owner of a self-storage unit does not have a written rental agreement that includes a notice of the privilege, the owner shall not initiate an enforcement action until 30 days after the written notice of the privilege is mailed to the lessee.

New law requires that an owner include in the rental agreement a request for the lessee to provide two email addresses and the number of the lessee's wireless telecommunications device, which the lessee shall initial by request in the rental agreement.

Present law provides that in the event of a default by a lessee, the owner of a self-service storage facility has the option to enforce judicially all rights under the rental agreement, including, if the agreement so provides, the right to accelerate all rentals that will become due in the future for the full term of the lease or to cancel the lease and enforce the privilege for the debt due.

Present law provides that to cancel the lease and enforce the privilege for debt due, the owner shall compile a list of the property subject to the privilege, provide notice to the lessee of intent to enforce the privilege, and advertise the sale or other disposition of the property subject to the privilege.

New law includes notice through wireless telecommunications devices, if the information is listed by the lessee in the rental agreement.

Prior law required the advertisement of the sale or other disposition of movable property subject to the privilege to be published on at least one occasion in a newspaper of general circulation where the self-service storage facility is located, and allowed the owner to publish an advertisement of the sale on a publicly accessible website that conducts personal property auctions.

New law revises the advertising requirements to give the owner the option to advertise the sale or other disposition of the movable property on at least one occasion in a newspaper of general circulation where the self-service storage facility is located or on a publicly accessible website that conducts personal property auctions.

Effective January 1, 2022.

(Amends R.S. 9:4759; adds R.S. 9:4758.1)

Lake Charles Fast Adverse Possession (ACT 103)

Prior law provided that in an incorporated municipality that is under a home rule charter, having a population between 6,650 and 7,650, according to the latest federal decennial census, ownership of an immovable may be acquired by the prescription of three years without the need of just title or possession in good faith.

New law extends these provisions to the city of Lake Charles, with the approval of the city council.

New law provides that in Lake Charles, in addition to the notices and procedures provided in new law, the city shall adopt additional notice requirements or other conditions by ordinance which must be met before allowing a possessor to occupy and possess blighted property.

New law provides that a possessor of an immovable seeking to establish title to immovable property based on compliance with the requirements set forth in new law and in any applicable ordinance, may bring a possessory action to seek a judgment confirming the possessor's ownership of the blighted property in accordance with and to the full extent of the boundaries established by the record title of the prior record owner. The court will render a judgment declaring such possessor to be the record owner of the property upon sufficient proof that the possessor followed the procedures set forth in prior and new law and adopted by ordinance by the city.

Effective August 1, 2021.

(Amends R.S. 9:5633.1)

TITLE 10: COMMERCIAL LAWS

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT

Municipal Employees' Retirement System and Furloughs (ACT 36)

Present law allows any member of a state or statewide retirement system who is furloughed or placed on leave without pay to purchase service and salary credit for each day of service that the member was furloughed or on such leave at the actuarial cost.

New law, relative to Municipal Employees' Retirement System of Louisiana (MERSLA), provides that any member who, due to the COVID-19 pandemic, was involuntarily furloughed without pay due to a reduction-in-force of the employer, or was involuntarily furloughed or placed on leave without pay, may purchase service and salary credit for each day of service during the period beginning on April 1, 2020, and ending on November 30, 2020, that the member was furloughed or on such leave if such

service was not credited to the member's account, subject to the limitations contained in new law.

New law provides that a member who purchases service and salary credit pursuant to new law shall pay to the system or to the employer the employee and employer contributions which would have been remitted to the system by the employer if not for the involuntary furlough or leave without pay. Such contributions, if paid to the employer, shall be remitted by the employer to the system. The member shall remit the contributions no later than December 31, 2021.

New law provides that any service and salary credit purchased pursuant to new law shall be subject to the following conditions and limitations:

(1) There shall be no duplication of service credit.

(2) The employer shall certify the lost service credit was due to the COVID-19 pandemic.

(3) The purchased service and salary credit may not be used for the purpose of meeting the minimum service requirements for disability retirement.

(4) Compensation on which the required contributions for purchase of service and salary credit are based shall be the rate of compensation in effect for the last full pay period ending on or before the date the member was furloughed or placed on leave without pay.

(5) The right to purchase service and salary credit pursuant to new law shall not apply to routine personnel actions or separations which are not the direct result of the COVID-19 pandemic.

(6) Any dispute arising under the limitations of new law shall be resolved in the sole and exclusive discretion of the board of trustees of the retirement system.

New law provides that the board of trustees may adopt rules to implement the provisions of new law.

(Adds R.S. 11:163.2)

District Attorneys' Retirement System (ACT 139)

Existing law, applicable to the retirement systems for firefighters, sheriffs, and parish employees, provides that for purposes of calculation of contributions and benefits, compensation means the full amount earned by an employee for a given pay period, but provides that various benefits are not included as compensation.

New law makes existing law applicable to the District Attorneys' Retirement System (DARS).

Present law provides that in calculating benefits for a member of DARS, compensation received from the local government is subject to year-over-year increase limits. New law, applicable to members who become eligible to receive a regular retirement benefit on or after July 1, 2021, provides that all compensation is subject to year-over-year increase limits.

Existing law provides that when a retirement system pays a benefit which is not due to a person, the board of trustees shall adjust the amount payable to the correct amount. Existing law authorizes the board to recover any overpayment by reducing the corrected benefit such that the overpayment will be repaid within a reasonable number of months. Existing law requires the board to notify the person of the amount of overpayment and the amount of the adjustment in benefits 30 days prior to any reduction.

New law authorizes DARS to recover an overpayment over not more than 12 months and provides that the director of the board shall notify the person of any reduction. For benefits paid due to administrative error, new law limits the benefits that may be recovered to those paid during the 36-month period immediately preceding the date on which notice of such error is sent. For benefits paid due to fraud, authorizes recovery of the entire amount of overpayment. New law provides for a 10-year prescription period, from the date the system has knowledge of the error, on any such recovery.

New law authorizes the director of DARS to correct administrative errors in benefit payments and to make adjustments relative to such corrections. New law requires that documentation of such corrections be submitted to the board of trustees for approval. New law authorizes payment of interest on any underpayment of benefits that was due to an administrative error committed by system staff.

Effective July 1, 2021.

(Amends R.S. 11:233 and 1581; Adds R.S. 11: 1589)

State Employee Retirement System (ACT 137)

Existing law provides for payments of survivor benefits to the spouse, minor children, and disabled children of a La. State Employees' Retirement System (LASERS) member who meets certain criteria and who dies prior to retirement.

Existing law provides members of LASERS with various options to receive an actuarially reduced retirement benefit payable throughout their life and the life of a surviving beneficiary. One such option provides that a member's reduced benefit continues throughout the life of the member's designated beneficiary and the life of the member's mentally disabled child.

New law authorizes a member who has a mentally disabled child to elect to have the terms of existing law providing for this retirement benefit option applicable to survivors if the member dies prior to retirement. New law provides procedures for and limitations on such an election.

Effective August 1, 2021.

(Amends R.S. 11:471 and 471.1)

Retirement Systems' Benefits (ACT 37)

New law, relative to the Louisiana State Employees' Retirement System (LASERS), the Teachers' Retirement System of Louisiana (TRSL) and the Louisiana School Employees' Retirement System (LSERS), provides a monthly benefit increase to various classes of retirees.

New law provides that such increase shall be in the form of an increase to a retiree's or beneficiary's monthly benefit in an amount equal to the lesser of $300 per month or the amount necessary to increase the monthly benefit to $1,450.

New law provides that if any beneficiary to whom new law applies is receiving a monthly benefit based upon an optional allowance, which amount is less than that received by the retiree while alive, the amount of the increase payable pursuant to new law shall be prorated based upon the option chosen.

Prior law generally provided for survivor benefits for certain survivors of deceased members which members died prior to applying for retirement.

New law provides that any unmarried surviving spouse, minor child, or mentally or physically handicapped child, who is receiving a survivor benefit under prior law, shall receive a benefit increase pursuant to new law. Any person who is the sole survivor of such a member shall receive the lesser of $300 per month or the amount necessary to increase the monthly benefit to $1,450. If there are multiple persons receiving such survivor benefits, an increase of $300 per month shall be shared equally among them.

Prior law generally provided for an employee experience account from which all LASERS, TRSL, and LSERS cost-of-living adjustments are payable. New law provides that funding for the benefit increase payable pursuant to new law shall come from the employee experience account.

New law, relative to State Police Retirement System (SPRS), provides that a nonrecurring lump sum shall be payable to various classes of retirees.

New law provides that any benefit increase paid pursuant to new law shall be paid from the funds in the system experience account.

New law provides that each person to whom new law applies shall receive a nonrecurring lump sum payment, payable 8/31/21, that is the lesser of:

(1) $300 for each month of creditable service plus two dollars for each month of retirement through 6/30/21.

(2) The member's current monthly benefit.

New law provides that the actuarial cost of implementing the provisions of new law shall be paid from the employee experience account.

Effective June 1, 2021.

(Adds R.S. 11:542.1.2, 883.3.1, 1145.4, and 1331.3)

Change in Retirement Systems (ACT 138)

Existing law provides that employees of the La. School Boards Association are members of the Parochial Employees' Retirement System of La. (PERS).

New law provides that the following employees of the association are members of the Teachers' Retirement System of La. (TRSL) instead: new employees (hired after June 30, 2021), employees with at least five years of service credit in TRSL, and the director of the association.

New law provides that if an employee of the association who is a member of PERS separates from service, the association shall remit to PERS a portion of unfunded accrued liability attributable to the vacated position.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 11:701 and 1902; Adds R.S. 11: 1903.1)

State Police Retirement System Transfers (ACT 35)

Present law, relative to La. public retirement systems, provides for the transfer of credit between systems, transfer of service, actuarial liability, and funds, and for the payment of any deficit in funding. Present law provides for calculation of the portion of the benefit payable by the receiving system based on credit from the transferring system.

Present law specifies that the accrual rate of the transferring system shall be used to calculate that portion of the benefit based on the credit transfer. If the accrual rate of the receiving system is greater than that of the transferring system, present law allows the person executing the transfer to purchase the accrual rate of the receiving system, for an amount calculated on an actuarial basis.

New law, relative to the State Police Retirement System (SPRS), provides that notwithstanding present law, any member of the system who has transferred service credit under present law at an accrual rate lower than the member's accrual rate at SPRS may upgrade the accrual rate of all or a permissible portion of the member's transferred service credit by paying the full actuarial cost.

Effective upon signature of the governor (June 1, 2021).

(Adds R.S. 11:1305.1)

State Police Puchase of Service Credits (ACT 249)

New law authorizes a member of La. State Police Retirement System with 12 years of creditable service to purchase up to five years of additional service credit in one-year increments.

New law requires the member to submit a letter of intent to purchase additional credits with his application to retire at least 30 days prior to the specified date of retirement.

New law requires a lump sum payment of total cost prior to the specified date of retirement, and requires refund of the payment if the member does not retire within 30 days after the payment is received.

Effective August 1, 2021.

(Adds R.S. 11:1307.2)

State Police Retirement System (ACT 55)

Present law provides for the effect on a retiree's benefit if the retiree becomes reemployed as a sworn, commissioned law enforcement officer of the office of state police. Present law specifies that after the retiree has earned more than 50% of his average final compensation, the monthly benefit shall be suspended.

New law clarifies that the earnings limitation and benefit suspension provisions apply on a calendar basis only to reemployment in a position covered by the State Police Retirement System.

New law is remedial and interpretive and to be applied both retroactively and prospectively.

New law provides that the cost of new law shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Louisiana Constitution.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 11:1311)

Registrar Employees Retirement System (ACT 135)

Existing law provides for governance of Registrar of Voters Employees' Retirement System by a board of trustees composed of ten trustees, including six active and contributing members of the system elected by the members of the system.

Existing law requires that the six active member trustees have a minimum number of years of creditable service in the system. Prior law required at least 10 years of creditable service in the system. New law requires 5 years of creditable service.

Existing law provides that the term of the active member trustees is four years and limits the number of consecutive terms a member may serve. Prior law provided that the limit was two consecutive terms. New law increases that limit to three.

Effective July 1, 2021.

(Amends R.S. 11:2091)

Gun Sales to Retiring Sheriffs and Deputies (ACT 183)

Prior law provided that a sheriff or deputy sheriff who retired with at least 16 years of active service and who was in good standing with the La. Sheriffs' Pension and Relief Fund was entitled to purchase his or her firearm at fair market value upon retirement, subject to approval by the sheriff.

New law removes the years of active service requirement.

Effective August 1, 2021.

(Amends R.S. 11:2185(A))

Firefighters' Retirement System (ACT 140)

New law authorizes the Firefighters' Retirement System (FRS) to pay retirement benefits to an estate administrator on behalf of a spouse or child if the spouse or child is a legatee and the testament contains a provision for informal acceptance. New law provides procedures for such payments.

New law requires the estate administrator to notify the system in writing immediately upon the death of any legatee receiving a benefit. If payment is contested, the system shall withhold the disputed payment, institute a concursus action, and deposit the disputed benefit into registry of the court pending a final judgment.

Existing law allows a member of FRS to name a permanently disabled child as beneficiary.

New law requires a medical determination of such disability in immediate proximity to but before the member retires or enters into the Deferred Retirement Option Plan.

New law provides that if the board has approved a medical determination of a member's mentally or physically disabled child or children for purposes of retirement benefits, then that determination is sufficient for the purpose of survivor benefits.

New law provides that if the member requests the system to perform a medical determination of the disabled child and the member does not allocate at least half of the member's reduced benefit to the child, the member shall pay the cost of the medical determination.

Existing law authorizes a member of FRS to designate that all or a portion of the member's benefit be paid to a trust for a minor or disabled child. New law authorizes payment to a trust for any beneficiary.

Effective August 1, 2021.

(Amends R.S. 11:2252, 2256, 2256.2, and 2259)

Firefighters' Retirement System (ACT 250)

New law provides that the Firefighters' Retirement System (FRS) may recover attorney fees and court costs associated with a court action to recover unpaid employer or employee contributions, or a concursus proceeding in which FRS is named as a party.

New law provides that if an employer dissolves or partially dissolves its fire department, then beginning on the first July following the dissolution, the employer shall pay the department's portion of the unfunded accrued liability to FRS according to the percent included in the prior fiscal year's employer pension report, plus interest at the system's valuation interest rate.

New law provides that if an employer partially dissolves its fire department, it shall pay a pro rata portion of the system's unfunded accrued liability.

New law provides that a partially dissolved fire department is one that meets one of the following criteria:

(1) The number of participating employees of the employer as of June 30 is 70% less than June 30 of the previous year and either the number of participating employees decreases by at least three or the number of participating employees is zero.

(2) The number of participating employees of the employer, as of June 30, is at least 50 fewer than the previous year.

New law provides that payments due to the system shall be determined by the system's actuary and amortized over 15 years in equal payments.

New law provides that if the number of employees of a partially dissolved employer returns to the number participating prior to withdrawal, payments will cease and payments made will be credited as an offset of any amount due by the employer attributable to any subsequent withdrawal that occurs within 15 years of payment.

New law provides for collection of funds if an employer fails to make such payments by either:

(1) Action in a court of competent jurisdiction against the employer. The employer is responsible for legal and actuarial fees incurred by the system.

(2) The board of trustees may submit a resolution and certification to the state treasurer of the name of the delinquent employer and amount owed. The state treasurer shall deduct monies payable to the employer and remit said monies directly to the system.

Existing law authorizes a member of FRS to assign the accumulated contributions the member has made to the system to a firefighters' credit union in consideration of a loan. If a member with less than 12 years of creditable service leaves employment, existing law requires that the member's contributions be paid to the credit union.

New law requires payment of such contributions to the credit union if the member has 12 or more

years of creditable service and dies without a survivor who is entitled to benefits.

Effective August 1, 2021.

(Amends R.S. 11:2262 and 2265; Adds R.S. 11: 2262.1)

TITLE 12: CORPORATIONS AND ASSOCIATIONS

TITLE 13: COURTS AND JUDICIAL PROCEDURE

21st Judicial District (ACT 189)

Existing law establishes a judgeship within the 21st Judicial District, Division I, which has subject matter jurisdiction limited to juvenile matters.

New law retains existing law and codifies Section 2 of Act 3 of the 2007 R.S.

Effective August 1, 2021.

(Adds R.S. 13:621.21(C)(3))

24th JDC Online Judge Pilot Program (ACT 409)

New law authorizes the 24th JDC to establish the Online Judge Pilot Program as an effort to improve access to justice and create a more efficient and effective justice system.

New law authorizes each division of the 24th JDC to establish a process to handle any preliminary matter exclusively online.

New law provides that the court may order the parties to any civil case to participate in the program, unless the parties have opted out or have been exempted by the court due to an undue hardship.

New law provides that any party who wishes to opt out of the program shall file a written motion to opt out within 10 days after service of the order.

New law provides that an undue hardship exists when a party cannot access the online system or participate in the program without substantial difficulty or expense as determined by the court.

New law provides for the waiver of oral arguments and referral of all motions and exceptions to the Online Judge Pilot Program, unless the court determines that oral arguments or witness testimony are necessary.

New law provides for procedures regarding how written arguments, motions, and objections are to be handled through the Online Judge Pilot Program. New law provides for admissibility and presentation of evidence.

New law provides that all messages related to a hearing held through the Online Judge Pilot Program shall be considered part of the court record and may be used for any purpose after certification by the court reporter.

New law provides that any issue discussed during the pretrial conference through the Online Judge Pilot Program may not be used as evidence in any judicial or administrative proceeding.

New law provides that every pleading following the original petition, including a pleading or order that sets a court date, shall be served by transmitting an electronic copy to all parties through the Online Judge Pilot Program.

New law provides that the pilot program terminates on Aug. 1, 2025.

Effective August 1, 2021.

(Adds R.S. 13:621.24.2)

Clerk of Court Employee Benefits (ACT 106)

Present law provides that the clerk of court shall pay from the clerk's salary fund, 100% of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any employee that retires with at least 20 years of full-time service, is at least 55 years of age, and is eligible to

receive monthly benefits from the La. Clerk's of Court Retirement and Relief Fund.

New law requires that the retiree must elect to continue the coverage upon retirement.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 13:783)

CDC Retirees Insurance Fund (ACT 282)

New law creates the Orleans Parish Clerk of Civil District Court's Office Retired Employees Insurance Fund to finance the payment of the insurance premiums by the office of the clerk of Civil District Court for eligible retired clerks and retired employees of the office of the clerk of Civil District Court.

New law requires the clerk of Civil District Court to annually deposit money from the office of the clerk of Civil District Court general fund into the Insurance Fund until the total amount of the money deposited in the Insurance Fund equals the accrued liability of the benefits payable. New law mandates that the accrued liability and funded status must be recalculated annually as of the close of the fiscal year.

New law provides no deposit shall be required if the office of the clerk of Civil District Court has less than $50,000 available in its general fund after annual operations.

New law requires that the clerk of Civil District Court must invest the money in the Insurance Fund in the Louisiana Asset Management Pool.

New law provides the funds and earnings invested pursuant to new law must be available for the clerk of Civil District Court to withdraw for the purpose of paying the insurance premiums. New law provides no earnings may be withdrawn if the balance in the Insurance Fund is less than 70% of the accrued liability calculated pursuant to new law.

New law provides in any year following an actuarial determination that the fund balance is less than the 70% threshold, no earnings shall be withdrawn from the Insurance Fund, and any balance owed for the payment of insurance premiums as required by new law shall be paid in full directly from the office of the clerk of Civil District Court.

New law provides the legislative auditor shall audit the fund annually and the expense of such audit shall be paid by the clerk of Civil District Court.

Effective August 1, 2021.

(Adds R.S. 13:783.1)

Orleans Parish Assessor's Office (ACT 289)

Prior law authorized the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court to impose additional costs in all cases in which the court has jurisdiction, and provided that such monies shall be designated to the development, construction, and operation of a new facility to house the court, the office of the clerk, the First City Court, the clerk of the First City Court, the constable of the First City Court, the office of the civil sheriff, the Orleans Parish Juvenile Court, the mortgage office, the conveyance office, the notarial archives, and such other courts and parochial offices as may be necessary.

New law adds the assessor's office to the list of parochial offices that will be housed in the court.

Effective upon signature of the governor (June 15, 2021).

(Amends R.S. 13:996.67(C)(4))

Fees, Costs, and Taxes in Juvenile Delinquency Cases (ACT 123)

New law eliminates certain fees, costs, and taxes in juvenile delinquency cases, including costs for juvenile detention centers, fees imposed for transcript requests, fees imposed for an order for a physical or mental examination, and other fees.

Effective upon signature of governor (June 10, 2021).

(Adds R.S. 13:1595.3(C))

Lafayette City Court Marshal (ACT 97)

Prior law provided that, except for the marshals of the city courts of Lafayette and Shreveport, the marshals of certain enumerated city courts also receive the same fees payable to constables of justice of the peace courts.

New law removes the exception for the marshal of the city court of Lafayette and authorizes the marshal of the city court of Lafayette to receive the same fees as are payable to constables of justice of the peace courts. New law provides that these fees shall not exceed 50% of the salary paid to the marshal by the city of Lafayette. New law requires that the remainder of the fees and commissions collected be used to defray the operational and necessary related expenses of the office of the marshal of the city court of Lafayette.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 13:1883(D))

Tangipahoa Parish Ordinance Violations (ACT 153)

New law provides for administrative adjudication of certain ordinance violations in Tangipahoa Parish.

Present law authorizes municipalities and parishes to prescribe civil fines for violations of certain types of ordinances, including housing ordinances. Present law defines the term "housing violation" as only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, or welfare or to the environment or a historic district. Present law provides that in municipalities with a population of 70,000 or more, and in other specified parishes and municipalities, the term shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

New law provides that in Tangipahoa Parish the administrative adjudication hearing procedure authorized in present law may also be used for certain other Tangipahoa ordinance violations, including building codes, zoning, vegetation, and nuisance ordinances.

Present law authorizes municipalities and parishes to adopt ordinances establishing an administrative adjudication procedure for holding hearings related to present law violations. Present law authorizes certain parishes and municipalities to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations that may be determined by the respective parish or municipal governing authority.

New law authorizes present law administrative adjudication hearing procedures to be used in licensing, permits, or any ordinance violations as determined by the parish governing authority.

(Adds R.S. 13:2575.8)

Monroe Ordinance Violations (ACT 256)

Present law authorizes municipalities and parishes to prescribe civil fines for violations of certain types of ordinances, including housing ordinances. Present law defines the term "housing violation" as only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, or welfare or to the environment or a historic district. Present law provides that in municipalities with a population of 70,000 or more, and in other specified parishes and municipalities, the term shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

New law provides that in the city of Monroe the term "housing violation" shall also encompass building codes, zoning, vegetation, and nuisance ordinances, and ordinances that provide for the regulation of sewerage and drainage systems.

Present law authorizes municipalities and parishes to adopt ordinances establishing an administrative adjudication procedure for holding hearings related to present law violations. Present law authorizes certain parishes and municipalities to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations that may be determined by the respective parish or municipal governing authority.

New law provides that in the city of Monroe administrative adjudication procedures may be utilized in matters involving licensing, permits, and other ordinance violations that may be determined by the municipal governing authority.

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

(Adds R.S. 13:2575.8)

Pointe Coupee Parish JPs and Constables (ACT 253)

Prior law provided for 12 justices of the peace and constables in Pointe Coupee Parish, where territorial limits coincided with the 12 police jury districts.

New law reduces the number of justices of the peace and constables from 12 to 8, whose territorial limits coincide with the 8 parish council districts.

New law provides for applicability at the election of justices of the peace and constables in 2026, and provides that new law shall be effective for all other purposes beginning Jan. 1, 2027.

(Amends R.S. 13:2612)

Special Masters; Mandatory Mediation (ACT 318)

Existing law provides the authority and procedure for the appointment, duties, powers, and compensation of a special master.

New law provides for the appointment of one or more special masters for all causes of action related to first-party insurance property damage claims in a parish declared by the president of the U.S. to be subject to a major disaster declaration and certified for individual assistance under federal law.

New law provides for the appointment, duties, or compensation of the special master or masters in any manner directed by the court.

New law provides that the court shall allow a party an opportunity to file a motion to opt out of proceedings before the special master upon a showing of good cause.

New law provides for the termination of a special master appointment.

New law provides for annual reporting on the number, rate of compensation, duties, and assignments of special masters appointed in each jurisdiction.

New law provides that the appointment and disqualification of special masters shall comply with the requirements of Fed. Civ. R. 53.

New law provides for the possibility of mandatory mediation with the goal of expedited dispute resolution using qualified neutral mediators appointed and compensated in the manner directed by the court.

New law provides for waiver of appointment orders and an ability to opt-out upon the request of any party.

New law provides that no provision of law may be construed to impair the authority of a court that appoints a special master.

New law provides that jurisdiction or venue shall not be impaired.

Effective August 1, 2021.

(Adds R.S. 13:4165(F))

Small Claims Procedures (ACT 281)

New law provides for the Online Dispute Resolution Pilot Project Program as an effort to improve access to justice and further the primary objectives of the small claims divisions.

New law establishes small claims divisions and provides for the jurisdiction of these divisions.

New law provides for the program in the City Court of East St. Tammany to include all small claims cases filed in those courts beginning Jan. 1, 2022, and continuing until the program sunsets in Aug. 1, 2025.

New law provides for parties to small claims proceedings to participate in the program unless exempted by the court due to an undue hardship.

New law provides that if an exemption is provided to a party participating in the program, the clerk of court shall schedule the matter for trial de novo.

New law provides for the appointment of a program facilitator by the judges of courts participating in the program to assist parties in reaching a settlement.

New law provides:

(1) The facilitator shall be assigned to the case within not more than 10 days of all parties registering for an account within the program.

(2) The facilitator shall inform the parties of the procedures to be followed, including the types of communications the parties may use.

(3) Unless the facilitator determines additional time will likely result in a settlement, these efforts at resolution shall not exceed 14 days. The facilitator may extend or shorten the timelines at any time during the process.

New law provides for the initiation of small claims cases by an affidavit from the plaintiff stating the demand. New law provides that the affidavit shall include the plaintiff's email address and, if known, the defendant's email address.

New law provides that a plaintiff seeking an exemption from the program due to undue hardship shall file the request for exemption with the affidavit of claim.

New law provides that the plaintiff shall register in the program within 10 days of filing the affidavit of claim, or within 10 days of denial if the plaintiff filed a request for exemption and the exemption is denied.

New law provides for dismissal of the plaintiff's affidavit of claim without prejudice if the plaintiff fails to register in the program within the prescribed time delay.

New law provides for dismissal of the plaintiff's affidavit of claim with prejudice if the defendant establishes by clear and convincing evidence that the plaintiff failed to register or participate in a prior case regarding the same dispute.

New law provides that the court may, on its own motion, dismiss the plaintiff's claim with prejudice and may take judicial notice of a plaintiff's previously filed claim regarding the same dispute and the plaintiff's failure to register with the program.

New law provides that neither written discovery or oral deposition shall be allowed in the program.

New law provides for private communication between the facilitator and any party for the purposes of facilitating a resolution.

New law provides that the facilitator may request a party to provide the facilitator and every other party any of the following: (1) information and evidence about the merits of the case, (2) information about either party's ability to pay, (3) responses to another party's information, and (4) the party's position on any proposed resolution of the affidavit of claim.

New law provides for the service of an affidavit of claim in the program or other process by certified mail, return receipt requested. New law provides that an affidavit of claim in the program or other process shall contain a notice.

New law provides that a properly addressed certified mail return receipt reply form signed by the addressee or defendant or service via electronic mail shall be considered personal service.

New law provides that either a properly addressed certified mail return receipt reply form signed by a person other than the addressee or defendant or returned and marked "refused" or "unclaimed" by the addressee or defendant shall be considered domiciliary service.

New law provides that the facilitator shall request the parties to provide an electronic mail address at which the party is willing to receive service and notice of future proceedings. New law provides that once an electronic mail address is provided, all service and notice of future proceedings shall be sent electronically.

New law provides for various fees.

New law provides for waiver of costs for an indigent party.

New law provides that a defendant shall register for an account within the program, link the claim to an existing account within the program, or seek an exemption from participating in the program within 10 days of service of the affidavit of claim.

New law provides that a defendant who seeks an exemption and is denied the exemption shall register for an account within the program or link the claim to an existing account within the program within 10 days of receiving the denial.

New law provides that a plaintiff may file a motion to enter a default judgment in an amount not to exceed the amount requested in the affidavit of claim when a defendant fails to register or request an exemption.

New law provides that a defendant may raise and present evidence on any reconventional demand or counterclaim during the program without the need to formally file.

New law provides that a defendant may file a reconventional demand against the plaintiff and have the proceedings transferred from the program to a court of competent jurisdiction at any time prior to settlement of a claim in the program.

New law provides for settlement agreements between the plaintiff and defendant. New law provides that the program facilitator shall guide the parties through the program and assist them in reaching a settlement by providing information to a party regarding procedure and commenting on the merits of the claim or defenses provided.

New law provides that the facilitator shall terminate the program and notify the clerk of court to set the matter for trial de novo if the parties do not settle the claim.

New law provides that a plaintiff who files a complaint in the program shall be deemed to have waived his right to appeal unless the complaint is removed or transferred.

New law provides that a defendant shall be deemed to have waived his right to appeal unless, within the time allowed for filing an answer to the complaint, he files a written motion seeking removal of the action to the ordinary civil docket of the court in which the complaint is filed.

New law provides that these provisions shall not apply to state agencies.

New law provides that the clerk shall do the following:

(1) Prepare the citation summoning the defendant to answer.

(2) Send notice to the defendant by certified mail, return receipt requested, or by service through the marshal, constable, or sheriff.

(3) Cooperate fully with the parties, which includes answering any questions that the parties may have concerning the small claims procedure, in identification of the proper parties to the suit, and in furnishing general information concerning appropriate evidence for trial.

New law provides that the clerk is not authorized or expected to provide legal advice.

New law provides for applicability of these provisions in the program.

New law provides that the pilot program sunsets on Aug. 1, 2025.

Effective August 1, 2021.

(Amends R.S. 13:5200; Adds R.S. 13:5201(E) and 5213-5226)

Livingston Parish Sheriff's Office (ACT 83)

Present law authorizes the sheriff of Livingston Parish to pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retires from the Livingston Parish Sheriff's Office.

New law allows the option for a self-insurance plan, in which case the sheriff's office will pay the premium costs, administrative costs, or benefit payments on qualified retirees.

Effective August 1, 2021.

(Amends R.S. 13:5554)

Franklin Parish Sheriff's Office (ACT 136)

New law creates the Franklin Parish Retired Employees Insurance Fund (FREIF), to fund the payment by the Franklin Parish Sheriff's Office for the premium costs of insurance for retired sheriffs and deputy sheriffs as provided in existing law.

New law provides that the sheriff of Franklin Parish may contribute to the FREIF at his discretion.

New law provides that the sheriff shall invest at least 25% in fixed income investments into the FREIF, provided that a minimum of 25% of the fixed income portion is rated as investment grade by a nationally recognized rating agency.

New law provides that earnings realized from investments shall be available for the sheriff to withdraw for the purpose of paying the insurance premium costs, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the FREIF is equal to the sum of $1.5 million. New law provides that if the deposits and earnings on investments fall below $1.5 million, no earnings shall be withdrawn and any balance owed for the payment of insurance premium costs shall be paid in full from the sheriff's general fund.

New law requires any financial audit by the sheriff's office to comply with all provisions of new law.

New law requires the sheriff to establish a three-member investment advisory board.

Effective August 1, 2021.

(Adds R.S. 13:5554.6)

St. James Parish Sheriff's Office (ACT 173)

New law creates the St. James Parish Retired Employees Insurance Fund (SJREIF) to fund the payment by the St. James Parish sheriff's office for the premium costs of insurance for retired sheriffs and deputy sheriffs as provided in existing law.

New law provides that the following monies shall be deposited by the sheriff of St. James Parish into the SJREIF until the total amount of the monies including principal and earnings equals the sum of $4 million: (1) 1% of the monies received in the St. James Parish sheriff's general fund each year, and (2) any other monies that the sheriff of St. James Parish may contribute to the SJREIF.

New law provides for the investment of monies in the SJREIF as follows: (1) not less than 25% in equities, and (2) at least 25% in fixed income investments, provided that a minimum of 25% of the fixed income portion is rated as investment grade by a nationally recognized rating agency.

New law provides that earnings realized from investments shall be available for the sheriff to withdraw for the purpose of paying the insurance premium costs, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the SJREIF is equal to the sum of $4 million.

New law provides that if the deposits and earnings on investments falls below $4 million, no earnings shall be withdrawn and any balance owed for the payment of insurance premium costs shall be paid in full from the sheriff's general fund.

New law requires any financial audit by the sheriff's office to comply with the provisions of new law.

New law requires the sheriff to establish a five-member investment advisory board.

New law provides that members of the board shall serve terms concurrent with that of the sheriff.

New law requires the sheriff to appoint a qualified replacement to fill a vacancy on the board, within 60 days of the date the vacancy occurs.

New law requires the board to retain a financial advisor and legal counsel to provide recommendations and legal consultation concerning the investment of the funds. New law provides the board shall adopt rules governing their selection and compensation.

Effective August 1, 2021.

(Adds R.S. 13:5554.6)

Concordia Parish Criminal Fees (ACT 327)

Existing law establishes the Coroner's Operational Fund and a criminal court fee on certain defendants dedicated to defraying the operational costs of the office of the coroner in the parish in which the conviction occurred, and provides for an additional fee in certain parishes for the support of the coroner.

Prior law provided for an additional fee of not more than $5 in all courts in Concordia Parish for the support of the coroner, but such fee was subject to Judicial Council approval.

New law authorizes an additional fee of not less than $5 nor more than $10 on every defendant who is convicted in any court in Concordia Parish to be used solely to defray the operational costs of the coroner's office and repeals the prior law fee.

Effective upon signature of governor (June 14, 2021).

(Adds R.S. 13:5722)

Three Parishes Criminal Court Fees (ACT 355)

Existing law establishes the Coroner's Operational Fund and a criminal court fee on certain defendants dedicated to defraying the operational costs of the office of the coroner in the parish in which the conviction occurred and provides for an additional fee in certain parishes for the support of the coroner.

New law authorizes an additional fee of not less than $5 and not more than $10 on every defendant who is convicted in any court in Tensas Parish, East Carroll Parish, and Madison Parish to be used solely to defray the operational costs of the coroner's office.

Effective August 1, 2021.

(Adds R.S. 13:5722(A)(2)(f))

St. Tammany Parish Taxes and Coroner Office (ACT 151)

Prior law required the governing authority of St. Tammany Parish to receive all tax revenues collected from an ad valorem tax levied by the parish for coroner purposes and approved by a majority of the voters including any extensions or renewals.

New law provides that the sheriff of St. Tammany Parish shall receive all tax revenues collected

from an ad valorem tax levied by the parish for coroner purposes and approved by a majority of the voters including any extensions or renewals.

Existing law requires all revenues collected by the governing authority pursuant to new law to be deposited into a special account and expended solely for the purposes set forth in the tax proposition approved by the voters, less and except the following fees: the parish's administrative fees; the parish's costs associated with administration of the ad valorem tax levied; the parish's costs associated with oversight of the coroner's office; and the amounts necessary to service bonds or other obligation secured by the ad valorem tax.

New law adds that all tax proceeds collected by the sheriff pursuant to new law shall be deposited into a special account with St. Tammany Parish to be advanced to the coroner by Jan. 31st of the year following the collection of the tax proceeds.

Existing law requires St. Tammany Parish and the coroner of St. Tammany Parish to enter into a cooperative endeavor agreement to specify details concerning the coroner's tax.

Prior law provided for satisfaction of the parish's obligations to fund the coroner's office as provided by prior law and prevented the parish from being obligated to pay any other fee or cost. New law repeals prior law.

Existing law requires the governing authority to establish an annual salary in lieu of all fees and services for the coroner, and all employees associated with the operation of the coroner's office, to be funded from the revenues collected from the ad valorem tax and paid by the governing authority.

New law adds that the salary of the coroner shall be the average of the salaries of the St. Tammany Parish sheriff, assessor, and clerk, and provides that the coroner shall establish the salaries of the deputy and assistant coroners and certain other personnel.

Prior law prohibited the coroner from owning or acquiring any immovable property and required all previously owned immovable property owned by the parish that was transferred to the coroner's office to be transferred back to the parish free and clear of all mortgages, liens, or other encumbrance within six months. New law repeals prior law.

New law provides that the coroner's office may acquire and own any immovable property upon which the daily operations of the coroner's office are conducted.

New law transfers any and all previously owned immovable property from the parish to the coroner's office free and clear of all mortgages, liens, or other encumbrance no later than Oct. 1, 2021.

New law requires the coroner's office to comply with public bid and procurement laws and also subjects the office to all audit laws conducted by the governing authority of St. Tammany Parish.

New law requires the coroner to submit an annual report to the governing authority of St. Tammany Parish.

Effective August 1, 2021.

(Adds R.S. 13:5726; Repeals R.S. 13:5725)

Natchitoches Marshal Fees (ACT 374)

Prior law authorized the marshal of the city of Natchitoches to charge not less than $10 but not more than $20 for each service rendered in civil matters.

Existing law provides that 60% of the fees collected pursuant to existing law shall be deposited in the equipment and training fund used to assist in the purchasing or updating of necessary equipment and officer training of constables and marshals.

New law places the marshal of the city of Natchitoches within the general fee schedules of marshals and constables by removing the authority of the city marshal and constables of the city of Natchitoches to collect certain fees and costs under a separate authority.

The provisions of Act No. 63 of the 2020 R.S. increased the fee charged by the city marshal of Natchitoches for services from $20 to $30 and required all service fees collected to be deposited in the marshal's training and equipment fund to assist in the purchasing or updating of equipment and officer training. The imposition of the court fees pursuant to Act No. 63 were subject to approval by the Judicial Council.

New law provides that the provisions of Act No. 63 of the 2020 R.S. shall not go into effect.

Effective upon signature of governor (June 16, 2021).

(Amends R.S. 13:5807.1)

Ruston Marshal Fees (ACT 311)

New law changes the fees collected by the marshal of the city of Ruston by placing the marshal within the general fee schedules of marshals and constables and by removing the separate authority of the marshal of the city of Ruston to collect certain fees and costs.

New law provides that the increase in court costs or fees only becomes effective if and when the Judicial Council provides a favorable recommendation in the Judicial Council 2022 Report to the Louisiana Legislature.

Effective August 1, 2021.

(Amends R.S. 13:5807.5)

TITLE 14: CRIMINAL LAW

Crimes of Violence; Kidnapping (ACT 484)

Existing law provides for a definition of "crime of violence", which means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon.

Existing law provides for a list of certain enumerated existing law offenses that are included as crimes of violence.

New law adds the crime of false imprisonment while armed with a dangerous weapon to the list of enumerated crimes of violence.

Existing law provides for the crime of second-degree kidnapping.

New law adds the forcible seizing of a corrections officer and certain other persons for any period of time in the definition of kidnapping, and provides that using such a kidnapped person to facilitate the commission of simple or aggravated escape constitutes second degree kidnapping.

Effective August 1, 2021.

(Amends R.S. 14:44.1; Adds R.S. 14:2(B)(25))

Defamation (ACT 60)

New law repeals provisions relative to defamation which have been ruled unconstitutional, including defamation, presumption of malice, qualified privilege, and absolute privilege.

Old law provided that the crime of defamation is the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tends to:

(1) Expose any person to hatred, contempt, or ridicule, or to deprive him of the benefit of public confidence or social intercourse; or

(2) Expose the memory of one deceased to hatred, contempt, or ridicule; or

(3) Injure any person, corporation, or association of persons in his or their business or occupation.

New law repeals old law.

Old law provided that where a non-privileged defamatory publication or expression is false it is presumed to be malicious unless a justifiable motive for making such publication or expression

is shown. Old law provided that where such a publication or expression is true, actual malice must be proved in order to convict the offender. New law repeals old law.

Old law provided that a qualified privilege exists and actual malice must be proved, regardless of whether the publication is true or false, in the following situations:

(1) Where the publication of expression is a fair and true report of any judicial, legislative, or other public or official proceeding, or of any statement, speech, argument, or debate.

(2) Where the publication or expression is a comment made in the reasonable belief of its truth, upon:

(a) The conduct of a person in respect to public affairs, or

(b) A thing which the proprietor offers or explains to the public.

(3) Where the publication or expression is made to a person interested in the communication, by one who is also interested or who stands in such a relation to the former as to afford a reasonable ground for supposing his motive innocent.

(4) Where the publication or expression is made by an attorney or party in a judicial proceeding.

New law repeals old law.

Old law prohibited prosecution for defamation in the following situations:

(1) When a statement is made by a legislator or judge in the course of his official actions.

(2) When a statement is made by a witness in a judicial proceeding, or in any other legal proceeding where testimony may be required by law, and such statement is reasonably believed by the witness to be relevant to the matter in controversy.

(3) Against the owner, licensee, or operator of a visual or sound broadcasting station or network of stations or the agents or employees thereof, when a statement is made or uttered over such station or network of stations by one other than the owner, licensee, operator, agents or employees.

New law repeals old law.

Old law provided that in all prosecutions for defamation, the truth may be given in evidence. New law repeals old law.

(Repeals R.S. 14:47-50 and R.S. 15:443)

Adoption Deception (ACT 464)

New law creates the crime of adoption deception and defines the crime as being committed by any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan, if any of the following occur:

(1) The person knows or should have known that she is not pregnant at the time the payments were requested or received.

(2) The person accepts living expenses assistance from a prospective adoptive parent or adoption entity without disclosing that she is receiving living expenses assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

New law provides for the following penalties:

(1) If the amount received by the person is $1,000 or less, the person shall either be fined up to $500, imprisoned for not more than 60 days, or both.

(2) If the amount received by the person exceeds $1,000, the person shall either be fined up to $5,000, imprisoned with or without hard labor for not more than five years, or both.

Effective August 1, 2021.

(Adds R.S. 14:67.5)

False Claims of Unclaimed Property (ACT 466)

New law creates the crime of submitting false statements and false or altered documents in unclaimed property claims and defines the crime as being committed by any person who intentionally makes a material false statement, submits false or altered documentation, or both in any claim submitted pursuant to the Uniform Unclaimed Property Act of 1997.

New law provides that any person who commits the new law crime shall be imprisoned with or without hard labor for not more than five years, or fined no more than $10,000, or both.

New law provides that the person who commits the new law crime shall be ordered to make full restitution to the Department of Treasury in the amount of funds obtained as a result of the offense.

New law requires the court to order a periodic payment plan consistent with the person's financial ability, when the person is found to be indigent and unable to make restitution in full at the time of conviction.

Effective August 1, 2021.

(Adds R.S. 14:67.5)

Staging a Motor Vehicle Collision (ACT 248)

New law creates the crime of staging a motor vehicle collision and defines the elements as any of the following with an intent to defraud:

(1) Causing a motor vehicle collision for the purpose of obtaining anything of value.

(2) Providing information in connection with a motor vehicle collision, knowing that the collision was intentionally caused, for the purpose of obtaining anything of value.

(3) Providing false information in connection with a motor vehicle collision that did not occur for the purpose of obtaining anything of value.

New law provides for a term of imprisonment, with or without hard labor, not to exceed five years, a fine not to exceed $5,000, or both.

New law creates the crime of aggravated staging a motor vehicle collision and defines the crime as the staging of a motor vehicle collision which causes death or serious bodily injury to another person.

New law provides for a term of imprisonment, with or without hard labor, for not less than five years nor more than 30 years, a fine not to exceed $15,000, or both.

New law adds the crimes of staging a motor vehicle collision and aggravated staging a motor vehicle collision as elements of the crime of racketeering activity.

Effective August 1, 2021.

(Adds R.S. 14:68.4.1 and 68.4.2 and R.S. 15:1352)

Electronic Sexual Exploitation of Minors (ACT 186)

Existing law provides for the crime of computer-aided solicitation of a minor, which prohibits persons 17 and older from using electronic textual communication for the purpose of persuading a person under age 17 to engage in sexual conduct.

New law adds that it shall also be a violation of existing law when a person 17 years of age or older uses another person 17 years of age or older to contact a person under the age of 17 years, and there is an age difference of greater than two years between the person contacted and the offender, for the purpose of engaging or with the intent to engage in any of the conduct described by existing law.

Existing law provides for the crime of prohibited sexual conduct between an educator and a student.

New law specifies that lewd or lascivious acts committed in the virtual or physical presence of a student are also in violation of existing law.

Existing law provides for the crime of video voyeurism.

New law adds that it shall also be a violation of existing law when an adult manipulates a person under the age of 17 years to take a photograph, film, or videotape of oneself to send to the adult for a lewd or lascivious purpose.

Effective August 1, 2021.

(Amends R.S. 14:81.4; Adds R.S. 14:81.3(A)(5) and 283(A)(3))

Concealed Handgun Permits (ACT 465)

Existing law provides that the illegal carrying of weapons includes the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.

New law provides an exception for any person who has a valid concealed handgun permit issued pursuant to existing law.

New law provides that existing law shall not prohibit a person with a valid concealed handgun permit issued pursuant to existing law from carrying a concealed firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on his person, unless otherwise prohibited by existing law.

Effective August 1, 2021.

(Amends R.S. 14:95)

Animal Fighting Equipment (ACT 100)

New law creates the crime of unlawful possession, transfer, or manufacture of animal fighting paraphernalia.

New law provides that it is unlawful for any person to possess, purchase, sell, transfer, or manufacture animal fighting paraphernalia with the intent to engage in, promote, or facilitate animal fighting, including dogfighting, cockfighting, or any other form of animal fighting prohibited by law.

New law defines "animal fighting paraphernalia" as equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, including breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, veterinary treatment supplies, spurs, gaffs, knives, leather training spur covers, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl. However, new law does not prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting that are at least five years old and have historical value.

New law does not prohibit the training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

Effective upon signature of the governor (June 4, 2021).

(Adds R.S. 14:102.29)

Crime Publishing (ACT 462)

Existing law provides that it is unlawful for a person who is either a principal or accessory to a crime to obtain an image of the commission of the crime using any camera or other image recording device and to transfer that image by the use of a computer online service or other means of electronic communication for the purpose of gaining notoriety, publicity, or the attention of the public, subject to certain existing law exceptions.

Existing law provides for a fine of not more than $500, imprisonment for not more than six months, or both.

New law adds that whenever the criminal activity results in serious bodily injury or death, the person who commits the crime of unlawful posting of criminal activity for notoriety and publicity shall be fined not more than $2,000, imprisoned with or without hard labor for not more than eight years, or both.

Effective August 1, 2021.

(Amends R.S. 14:107.4(B))

Obstruction of Justice (ACT 212)

New law provides that when an obstruction of justice involves any misdemeanor criminal proceeding that does not involve an intentional misdemeanor directly affecting the person, the offender shall be fined not more than $500, imprisoned for not more than six months, or both.

Effective August 1, 2021.

(Amends R.S. 14:130.1)

Drone Spying Penalties (ACT 265)

Existing law prohibits the use of an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a targeted facility without the prior written consent of the owner of the targeted facility.

Prior law provided for the definition of "targeted facility". New law adds critical infrastructure, grain elevator, and grain storage facilities to existing law.

Existing law provides that the penalty for a first conviction of unlawful use of an unmanned aircraft system is a fine of up to $500, imprisonment for up to six months, or both.

Existing law provides that the penalty for a second or subsequent conviction of an unmanned aircraft system is a fine of not less than $500 and not more than $2,000, imprisonment with or without hard labor for not less than six months nor more than one year, or both.

New law increases the penalty for second and subsequent convictions to a fine of not less than $500 and not more than $4,000, imprisonment with or without hard labor for not less than six months and not more than two years, or both.

Effective upon signature of governor (June 14, 2021).

(Amends R.S. 14:337)

TITLE 15: CRIMINAL PROCEDURE

La. Sexual Assault Oversight Commission (ACT 188)

New law adds to the membership of the Commission the president of Sexual Trauma Awareness & Response or a designee.

New law allows the Commission to adopt additional projects, duties, or both upon the approval of the members.

Prior law required the Commission to meet at least once every three months and allowed the chairman to call for additional meetings. New law requires the Commission to meet at least once every four months.

Prior law required the office of the attorney general to adopt rules pursuant to the Administrative Procedure Act necessary to implement existing law. New law removes the authority of the attorney general to adopt rules necessary to implement existing law.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 15:555 and 556)

DeSoto Parish Expenses (ACT 233)

New law requires all or part of the expenses of the office of judge, but not the salary of the judge, and the expenses of the office of district attorney for the judicial district in which DeSoto Parish is located, and all or part of the salaries of the employees of those offices, to be paid from the

criminal court fund of the judicial district in which DeSoto Parish is located.

Effective August 1, 2021.

(Amends R.S.15:571.11)

Compensation for Erroneous Imprisonment (ACT 257)

Existing law provides that any person who has served, in whole or in part, a sentence of imprisonment under the laws of this state for a crime for which he was convicted is entitled to receive compensation if the conviction has been reversed or vacated and the person has proved by clear and convincing evidence that he is factually innocent of the crime for which he was convicted.

Prior law provided that such persons were entitled to receive compensation for the physical harm and injury suffered by the person in an amount equal to $25,000 per year incarcerated, not to exceed a maximum total amount of $250,000. Such compensation was payable from the Innocence Compensation Fund at a rate of $25,000 annually.

New law increases the amount of compensation from $25,000 per year incarcerated to $40,000 per year incarcerated for those seeking compensation after July 1, 2022. New law increases the maximum total amount that may be received from $250,000 to $400,000 and provides that such compensation is payable at a rate of $40,000 annually.

New law authorizes new applicants who first file a petition on or after July 1, 2022, the option of selecting a lump sum payment of $250,000 in lieu of receiving $40,000 per year.

Beginning July 1, 2022, new law authorizes any petitioner who has been awarded wrongful conviction compensation by the court on or after Sept. 1, 2005, and prior to July 1, 2022, to file a petition seeking supplemental compensation in the amount authorized by the provisions of new law. New law requires the petitioner to file the petition seeking supplemental compensation on or before July 1, 2023, or be forever barred from filing a supplemental petition. New law provides that any compensation awarded pursuant to these provisions of new law shall be awarded at a rate of $40,000 annually.

Effective August 1, 2021.

(Amends R.S. 15:572.8)

Parole Eligibility (ACT 122)

Prior law provided that parole eligibility was not applicable to any person who had been convicted of armed robbery, a crime of violence, or a sex offense.

New law specifies that a person who has been convicted of a crime of violence or a sex offense shall not be eligible for parole when the offense was committed on or after Aug. 1, 2014.

New law provides that a person committed to the Dept. of Public Safety and Corrections shall be eligible for parole consideration upon serving 15 years in actual custody if the two following conditions are met:

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

(2) The person was sentenced to life imprisonment without parole, probation, or suspension of sentence after being convicted of a third or subsequent felony offense.

New law is not applicable to those who meet any of the following criteria:

(1) The instant conviction is a crime of violence.

(2) The instant conviction or any prior conviction, whether or not that prior conviction was used in the habitual offender conviction, is both a crime of violence under and a sex offense.

(3) The person would still qualify for a sentence of life imprisonment without parole, probation, or suspension of sentence as a third or subsequent offense under R.S. 15:529.1 as it was amended in Acts No. 257 and 282 of the 2017 R.S.

New law removes a prohibition that no person shall be eligible for parole consideration who has been convicted of armed robbery and denied under the provisions of existing law.

Effective August 1, 2021.

(Amends R.S. 15:574.4)

Arrestee DNA Samples (ACT 99)

Present law provides that a person who is arrested for a felony or other specified offense, including an attempt, conspiracy, criminal solicitation, or accessory after the fact, is to have a DNA sample collected at the same time he is fingerprinted pursuant to the booking procedure.

New law adds that the DNA sample may be analyzed during or immediately following the booking of the arrestee, or at any time thereafter.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 15:609(A)(1))

Earlier Parole for Education (ACT 5)

New law allows offenders who earn a bachelor's degree or a master's degree from a regionally accredited and a Dept. of Public Safety and Corrections approved educational institution to earn 90 days of credit toward the reduction of the projected good time parole supervision date.

(Adds R.S. 15:828(E) and (F))

Transitional Residential Pilot Program (ACT 304)

New law authorizes the Dept. of Public Safety and Corrections to create the Transitional Residential Pilot Program for female offenders, subject to the availability of funds and appropriate resources.

New law authorizes the secretary of the department to transfer a female offender eligible for the Transitional Residential Pilot Program as long as the transfer is in accordance with the custody level, security, supervision, and restrictions on movement established by the department to carry out the function and purpose of such transitional residential program and to provide a safe, structured, and supervised transitional environment.

New law provides that a female offender is eligible for consideration for the program if all of the following conditions are met:

(1) The offender is willing to participate in the program.

(2) The offender has no convictions of a sex offense.

(3) The offender is within two years of her projected release date.

(4) The offender has not committed any major disciplinary offenses in the two years prior to her release date.

(5) The offender has obtained a low-risk level designation determined by a validated risk-assessment instrument and has received approval from the warden for participation in the program.

New law provides that the pilot program shall conclude on August 1, 2024, unless the legislature extends the date or establishes a similar program prior to that date.

New law provides that implementation of the program is subject to appropriation.

Effective August 1, 2021.

(Adds R.S. 15:828.4)

Reentry Advisory Council (ACT 236)

Existing law provides for the Reentry Advisory Council established within the Dept. of Public Safety and Corrections to serve as an advisory body to the secretary of the Department and the legislature with respect to the administration of the inmate rehabilitation and workforce development program.

Prior law required that the Council be comprised of 22 members, 12 of whom were appointed by the governor from a list of persons submitted by a specific entity.

New law adds a member to the Council appointed by the governor from a list of three persons nominated by the Council on the Children of Incarcerated Parents and Caregivers.

New law specifies that any appointed member who is absent for two meetings out of four consecutive meetings of the Council may be disqualified and removed from the Council membership.

New law requires the Council to notify the nominating entity that the person has been removed from the council membership pursuant to new law and request that the entity provide a list of three nominees to the governor to fill the vacancy. New law provides that the former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

Effective August 1, 2021.

(Adds R.S. 15:1199.4(O))

TITLE 16: DISTRICT ATTORNEYS

TITLE 17: EDUCATION

School Board Process on Charter Schools (ACT 93)

Present law provides for the return of certain charter schools from the Recovery School District (RSD) to the transferring local school system.

Present law requires the local school superintendent to present recommendations to the local school board regarding the approval, extension, renewal, or revocation of the charter for any charter school under the board's jurisdiction.

Prior law provided that the local superintendent may implement any recommendation regarding the extension, renewal, or revocation of a charter of a charter school, unless it is rejected by a 2/3 vote of the full membership of the board. Prior law provided that board action to reject a recommendation made by the local superintendent shall occur no later than the first board meeting held after the meeting during which the recommendation was submitted to the board.

New law removes the 2/3 vote requirement and the requirement that board action to reject the local superintendent's recommendation must occur within 30 days after the meeting during which the recommendation was submitted, and instead provides that the local board shall vote on recommendations made by the local superintendent regarding charter extension, renewal, or revocation in accordance with board policy.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 17:10.7.1(F)(1))

Required Education for Teachers (ACT 108)

New law requires each teacher who teaches kindergarten through third grade, and each principal and assistant principal of a school that includes kindergarten through third grade, to successfully complete a foundational literacy skills instruction course that is approved by the state Department of Education (DOE).

New law requires, not later than December 1, 2021, the DOE to develop a list of approved professional development courses that are based on the science of reading, designed for the professional development of teachers, and include information on instructing students regarding phonemic awareness, phonics, fluency, vocabulary, and comprehension.

New law requires teachers and administrators to successfully complete at least one of the approved professional development courses and provide documentation of the successful completion to their employing school. New law provides teachers and administrators who provide

documentation of completion of an approved program within five years prior to 2023 shall be considered in compliance.

New law requires newly hired teachers and administrators to document successful completion of an approved program to their employing school within two years of their date of employment.

New law requires, beginning May 1, 2022, and annually thereafter, that each city, parish, or other local school board report to DOE the number and percentage of teachers and administrators who have, within the past five years, successfully completed an approved course. New law requires the data to be reported on DOE's school progress profiles.

New law is subject to the appropriation of funds.

New law requires public charter schools to comply with new law.

New law provides that no state funds or obligated federal funds shall be used to implement new law.

Effective upon signature of the governor (June 4, 2021).

(Adds R.S. 17:24.10 and 3996(B)(59))

Childhood Reading (ACT 438)

New law requires Department of Education (DOE) to:

(1) Develop a literacy assessment to assess the literacy level of each public school K-3 student.

(2) Provide the literacy assessment, at no cost, to each public school.

(3) Establish the scores on the literacy assessment to determine whether a student's literacy skills are above grade level, on grade level, or below grade level.

(4) Require, beginning with the 2022-2023 school year, each public school to administer the literacy assessment to each student in kindergarten through third grade, within the first thirty days of each school year.

(5) Provide, within 30 days after the administration of the literacy assessment, a literacy assessment report to each public school governing authority, each public school, and each public school teacher who teaches students in kindergarten through third grade, the number and percentage of students with literacy skills determined to be above grade level, on grade level, or below grade level. The number of students identified for referral for gifted evaluation or targeted for literacy intervention shall also be reported.

(6) Submit a report, not later than ninety days after the beginning of each school year, to the Senate and House committees on education detailing the results of the literacy assessment for each public elementary school, each public school system, and the state as a whole.

(7) Report the data for each school, school system, and the state as a whole, in the school progress profiles required by prior law.

New law requires the use of the results from the literacy assessment in determining school and district performance scores pursuant to the state accountability system, but prohibits such use prior to the 2023-2024 school year.

New law requires, not later than July 31, 2022, that the State Board of Elementary and Secondary Education (BESE) revise teacher certification requirements and the requirements of teacher education programs to include foundational literacy skills standards in all educator preparation program of teachers in grades K-3. The foundational literacy skills standards shall include certain elements.

New law requires BESE to plan for the coordination of the initiative with existing programs and funding sources within schools and school systems.

New law requires each public school to:

(1) Provide each student in grades K-3 age-appropriate, systematic foundational literacy skills with instruction based on scientifically researched methods proven to provide a strong literacy foundation.

(2) Administer the literacy assessment developed and provided by the department to each student in grades K-3 to determine each student's literacy level within the first 30 days of each school year.

(3) Provide literacy interventions and supports designed to improve the foundational literacy skills of any student identified as having literacy skills below grade level.

(4) Ensure that all textbooks and instructional materials used to teach students to read are high-quality, fully aligned to state content standards, and based on literacy strategies that are scientifically researched with proven results in teaching phonological awareness, letter formation, phonics, decoding, fluency, vocabulary, and comprehension.

New law requires a school, within fifteen days of identifying that a student in grades K-3 is below grade level, to notify the student's parent or legal guardian, in writing, that the student has been identified as being below grade level, and provide the student's parent with certain information.

New law requires each school to provide mid-year and end-of-the-year updates to the parent or legal guardian of each student identified as having literacy skills below grade level, detailing the student's progress in gaining foundational literacy skills, and providing the parent with additional tools to use at home to improve the student's literacy proficiency.

New law requires each school, beginning June 1, 2023, and triennially thereafter, to develop, and submit to the department, a foundational literacy skills plan for students in grades K-3.

New law requires each foundational literacy skills plan to include certain information.

New law requires each school to post its foundational literacy skills plan and the latest report on the literacy assessment provided to the department on the school's website.

Prior law provided for pilot projects for screening of students for dyslexia. New law repeals prior law.

Prior law provided for reading programs in elementary schools, literacy screenings, and reporting requirement. New law supersedes and repeals prior law.

Effective August 1, 2021.

(Amends R.S. 17:24.9; adds R.S. 17:24.10 and 3996(B)(59) and (60); repeals R.S. 17:24.11 and 182)

Remedial Tutoring (ACT 294)

New law requires public schools, for the 2021-2022 and 2022-2023 school years, to provide expanded academic support to each student in grades 4 through 8 who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system during the 2020-2021 and 2021-2022 school years.

New law requires each city, parish, or other local public school board to develop an education plan and supporting budget to provide expanded academic support to students using federal funds provided for educational relief relative to COVID-19.

New law requires such plans to be submitted to the state Department of Education (DOE) by September 30, 2021, for review and approval.

New law allows a student identified as needing expanded academic support to be provided accelerated instruction or prioritized placement in a class taught by a teacher labeled as "highly effective" pursuant to the state's teacher evaluation system, if a highly effective teacher is available in the school.

New law requires that accelerated instruction provided to a student shall: (1) include targeted instruction, (2) be provided in addition to the

normal instruction provided to a student, (3) be provided for not less than 30 total hours, (4) be designed to assist the student in achieving grade level performance, (5) be taught using high-quality instructional materials that are fully aligned with state content standards and that are designed for supplemental instruction, (6) be provided to a student individually or in a group of not more than twelve students, unless the parent or legal guardian of each student in the group authorizes a larger group, (7) be provided by a person with training in using the instructional materials and who receives ongoing oversight, (8) be provided by the same person, to the extent possible, and (9) be provided in accordance with guidelines on research-based best practices and effective accelerated instruction strategies developed by the DOE.

New law requires that an accelerated learning committee be established for each student identified as needing accelerated instruction, composed of the student's parent or legal guardian, teacher of record, and the school principal or his designee.

New law provides that a student's accelerated learning committee shall develop an educational plan for the student that provides the accelerated instruction needed to enable the student to perform on grade level by the end of the subsequent school year and provides for instructional time and learning materials.

New law requires the accelerated learning committee to determine, at the end of each school year, whether the student needs additional expanded academic support including accelerated instruction, summer learning programs, or other resources to meet the student's academic needs.

New law requires each city, parish, or other local public school board to provide a report by June 1 of 2022 and 2023, to the DOE on the number of students identified as needing expanded academic support, the number of students provided each type of academic support, and the number who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system during the 2021-2022 school year continuing to need additional academic support.

New law requires the DOE to submit a report to the Senate and House committees on education by July 1, 2022 and 2023, summarizing the information received by the school boards by school, by school system, and statewide.

New law prohibits the determination of whether students need additional expanded academic supports to be used in evaluating teacher performance or determining school or district accountability scores or letter grades.

New law provides that no state funds or obligated federal funds shall be used to implement new law.

Effective August 1, 2021.

(Adds R.S. 17:100.13 and 3996(B)(59))

Water Bottle Filling Station (ACT 363)

New law requires installation of water bottle filling stations at new public school buildings and existing public school buildings that undergo a major plumbing renovation.

New law defines "water bottle filling station" as a water dispenser that dispenses clean drinking water directly into a bottle or other drinking container.

New law defines "major plumbing renovation" as a change to an existing school building that replaces, repairs, alters, or upgrades more than 50% of the water fixtures in the building.

Effective August 1, 2021.

(Adds R.S. 17:100.13)

Remote Registration and Enrollment of Military Children in Public Schools (ACT 208)

New law requires a public school governing authority to allow a dependent child of an active duty member of the U.S. Armed Forces, of the military reserve forces, the National Guard, or a Department of Defense civilian to register and

preliminarily enroll in a public school under its jurisdiction prior to becoming a resident of the state, providing all of the following apply:

(1) The student's parent or legal guardian is transferred or pending transfer to a military installation or comparable duty location in the state.

(2) The student's parent or legal guardian provides a copy of the official military transfer orders transferring the parent or legal guardian to a military installation or comparable duty location in state to the public school governing authority.

(3) The student's parent or legal guardian completes and submits all required registration and enrollment forms and documentation, except that proof of residence shall not be required until ten days after the arrival date specified on the parent or legal guardian's transfer orders.

New law requires public school governing authorities to provide a student who registers remotely the same enrollment opportunities available to resident students, including requesting and applying for school assignment, registering for courses, participating in extracurricular activities, and applying for any school or program that requires an additional request or application, including a lottery for admission to a specific school or program.

New law provides that a student registered and enrolled pursuant to new law shall not attend school until proof of residency is provided in accordance with the policies of the school's governing authority.

Effective upon signature of the governor (June 11, 2021).

(Adds R.S. 17:101 and 3996(B)(59))

Kindergarten and First Grade (ACT 386)

Prior law required public school systems to provide for and offer full-day kindergarten and established the minimum age for entrance into kindergarten as five years old on or before Sept. 30th. Prior law required that prior to entering first grade that a child must have either attended a full-day kindergarten or have passed an academic readiness screening established by the local school system. Prior law required parents and legal guardians to send a child to kindergarten or ensure that the child is administered a readiness screening prior to the child entering first grade.

New law requires, beginning with the 2022-2023 school year, a child who turns five years of age on or before Sept. 30th to attend full-day kindergarten and to pass a readiness assessment prior to entering first grade. Notwithstanding this provision, new law provides:

(1) That a parent or legal guardian shall have the option to defer enrolling the child in kindergarten for one year if either of the following applies:

(a) The child is four years of age on the first day of the school year.

(b) The child is enrolled in a prekindergarten program.

(2) That a parent or legal guardian who opts to defer enrollment of the child in kindergarten as provided in new law shall not be considered to be in noncompliance with the compulsory school attendance law.

Prior law required compulsory school attendance for children ages seven through 18, unless the child graduates from high school prior to the 18th birthday.

New law provides, beginning with the 2022-2023 school year, compulsory school attendance will be required for children age five through 18, unless the child's parent or legal guardian opts to defer enrollment of the child in kindergarten or the child graduates from high school prior to the 18th birthday.

Prior law allowed the Jefferson and Orleans Parish school boards to set by rule a different minimum age for first grade entrance.

New law removes the minimum age threshold for entry into the first grade. New law provides that

the provisions of prior law that allow Jefferson and Orleans Parishes to establish different entry standards shall become void on June 30, 2022.

New law clarifies that families may home school for kindergarten but must report student attendance to the state Department of Education. New law provides that kindergarten students in an approved home study program shall be considered in compliance with the compulsory attendance law.

Effective upon signature of the governor (June 16, 2021).

(Amends R.S. 17:151.3, 221, and 222)

Vapor Product Education (ACT 230)

Existing law requires instruction on alcohol, tobacco, drug, and substance abuse prevention in elementary and secondary schools.

New law requires the instruction to include information on the health risks associated with using vapor products.

Effective August 1, 2021.

(Amends R.S. 17:154(A)(3))

Graduation Plans (ACT 458)

Present law provides for the high school career option and associated curriculum and graduation requirements. New law additionally requires written authorization of a student's parent or legal guardian prior to changing a student's options.

New law requires each school with an approved career major program to hold an annual informational meeting to inform the parents and legal guardians of all 8th graders of high school curriculum choices.

Present law requires each student to have an individual graduation plan that is signed by the student, the student's parent or legal guardian, and the school counselor and requires it to be reviewed annually.

New law additionally requires each student, his parent or legal guardian, and his school counselor to annually sign the student's individual graduation plan. New law requires the student's parent or legal guardian to approve in writing any changes to the student's individual graduation plan.

New law requires each school with students in grades 8-12 to annually hold an informational meeting for students' parents and legal guardians on graduation requirements and school curriculum choices. New law requires the notice of the meeting be made through all means available, including the school's automatic call system.

New law provides that prior to revising a student's individual graduation plan, the school counselor shall meet with the student's parent or legal guardian, either in person or virtually, to explain the possible impacts the revisions to the plan might have on the student's graduation requirements and postsecondary education goals. New law requires that any revisions to a student's plan shall be approved in writing by the student's parent or legal guardian.

New law requires the state Department of Education to develop materials regarding high school curricula frameworks, graduation requirements, and relevant postsecondary education and career opportunities and that the materials be provided to each school for use in the annual meeting with parents and legal guardians required in conjunction with scheduling students' classes.

Effective upon signature of the governor (June 23, 2021).

(Amends R.S. 17:183.2, 183.3, 2925; adds R.S. 17:2926(C))

Dyslexia (ACT 419)

Existing law provides for testing public school students for dyslexia.

New law requires public school governing authorities to report to the state Dept. of

Education relative to certain groups of students identified as having dyslexia, disaggregated by grade and type of education plan, by Oct. 31st annually.

New law requires the department to submit a cumulative report to the legislative education committees by Dec. 1st annually.

Effective August 1, 2021.

(Adds R.S. 17:392.1(F))

Early Childhood Care and Education (ACT 198)

Existing law requires the State Bd. of Elementary and Secondary Education (BESE) to create a network through which to manage and oversee all publicly funded programs that provide early childhood care or educational services.

New law requires BESE to coordinate and report data in a manner that assists legislators in evaluating the effectiveness of the network and in determining the allocation of funding and services. New law requires BESE to submit to the House Committee on Education, Senate Committee on Education, House Committee on Appropriations, and Senate Committee on Finance a written report, not later than 60 days prior to each regular session, that includes, at minimum, the following information:

(1) Number of children participating in the network and demographic information pertaining to their age, race, and socioeconomic status.

(2) Areas of greatest need according to geographic location and student population for the purpose of prioritizing funding and services.

New law requires BESE to create a program administered by the state Dept. of Education (DOE) through which parents whose children are not able to enroll in an early learning center due to a lack of available seats or funding are able to access instructional materials for home use.

New law requires DOE to use the data ascertained in accordance with new law in order to conduct outreach to communities and families in need of such materials and to identify the most effective and efficient means of delivering them.

New law requires materials to be aligned to the BESE's birth-to-five early learning and development standards in order to maximize the children's opportunity to achieve kindergarten readiness.

Existing law provides for the La. Early Childhood Education Fund and for BESE's administration of the fund, and provides that subject to legislative appropriation, monies in the fund shall be awarded annually to local entities approved by BESE according to specified parameters and conditions. New law additionally requires BESE to consider the data it coordinates pursuant to new law in determining how to allocate these funds.

Effective August 1, 2021.

(Adds R.S. 17:407.23 and 407.30)

Caddo Educational Excellence Fund (ACT 295)

Prior law authorized the Caddo Parish School Board to withdraw the investment income of the fund each January. New law instead authorizes the school board to withdraw money from the fund after the end of each fiscal year as provided in new law, which limits withdrawals from the fund as follows:

(1) In the fiscal year following a year that the earnings of the fund were greater than 5%, withdrawals from the fund shall not exceed 5% of the fund.

(2) In the fiscal year following a year that the earnings of the fund were between 3% and 5%, withdrawals from the fund shall not exceed the rate of earnings from the previous year.

(3) In the fiscal year following a year that the earnings of the fund were less than 3%, withdrawals from the fund shall not exceed 3% of the fund.

Prior law provided that funds shall be invested in the same manner as monies in the state general fund. New law provides instead that they shall be invested in the same manner as post-employment benefits trusts are permitted to be invested pursuant to prior law.

Effective upon signature of the governor (June 14, 2021).

(Amends R.S. 17:408.1)

Student Discipline (ACT 473)

Present law provides relative to student discipline. New law provides a comprehensive revision of present law, applicable to all public schools, including charter schools.

New law requires school boards to adopt student codes of conduct and generally requires that students be disciplined for violations of such codes rather than for a list of specific behaviors defined by law.

New law requires that such codes of conduct include progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences.

New law provides additional disciplinary measures a principal may implement before returning a student to the classroom.

New law provides that conferences with parents may be held by telephone or virtual means.

New law makes present law requirements for discussions with the student and parents prior to a suspension also applicable to assignment to alternative placements and expulsions.

Present law prohibits readmission to school of a student who damaged school property until payment has been made for the damage. New law makes the provision applicable to damage to any property on school grounds or owned by an employee or student. New law authorizes readmission of the student if alternative restitution or an alternative payment plan has been arranged.

Relative to students carrying knives, new law increases the minimum length of a knife blade for which suspension is required from two to two and one-half inches.

New law requires prescription medicines be carried in their original packaging.

New law requires that expulsion hearings be held within 15 school days.

New law limits the length of certain expulsions for criminal behavior to the student's period of disposition as determined by a court.

New law requires the Dept. of Education to publish data on disciplinary removals.

New law requires charter schools to fully comply with the student discipline statutes.

(Amends R.S. 17:416 and 3996)

Planning Time for Teachers (ACT 392)

Prior law provided that, if state funds are available, each teacher shall be provided a minimum of 45 minutes of planning time and a minimum of 30 minutes for lunch each day which shall be duty-free, and provides that the school day shall not be lengthened to accommodate the provision of the planning time and lunch period.

New law requires each teacher to be provided a minimum of 45 minutes of uninterrupted planning time each day. New law deletes the requirement for a duty-free lunch period.

New law prohibits a reduction in daily student instructional time to accommodate the provision of the planning time.

New law removes the contingency making implementation subject to the availability of state funds.

New law relative to teacher planning time is effective on July 1, 2022.

New law requires that teachers, school bus drivers, and other Lafourche Parish School Board employees have free and unhampered passage crossing the Louisiana Highway1 Bridge, also known as the Tomey J. Doucet Bridge, when traveling to and from their work place on work days, as prescribed by the board, not to exceed two toll-free crossings in one day.

New law relative to exemptions from the payment of tolls on the La. Highway 1 Bridge are effective on August 1, 2023, or the date of the adoption of final rules by DOTD, whichever is sooner.

(Amends R.S. 17:434; adds R.S. 17:426)

Trauma Training (ACT 353)

New law requires the State Board of Elementary and Secondary Education (BESE) to develop and adopt guidelines for in-service training in recognizing the signs and symptoms of adverse childhood experiences and the utilization of trauma-informed educational practices to address student needs resulting from these experiences.

New law requires BESE to consult with the Louisiana Department of Health, office of public health, prior to developing the in-service guidelines.

New law requires that, beginning with the 2021-2022 school year, all public and approved nonpublic school teachers, school counselors, principals, and other school administrators for whom the training is considered beneficial by BESE shall annually participate in at least one hour of in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education.

New law provides that the in-service training required shall be provided on a day that other types of in-service training will be provided in accordance with the school calendar adopted by each public school governing authority.

Effective upon signature of the governor (June 17, 2021).

(Adds R.S. 17:437.2 and 3996(B)(59))

Cameras in Special Education Classrooms (ACT 456)

New law requires the governing authority of each public school, including charter schools, to adopt policies relative to the installation and operation of cameras that record both video and audio in classrooms, upon the written request of a student's parent or legal guardian.

New law defines "classroom" as a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50% of the instructional day and for which a parent or legal guardian has requested a camera to be installed. The definition of "classroom" does not include classrooms and other special education settings where the only students with exceptionalities who are receiving special education and related services are those who have been deemed to be gifted or talented and who have not been identified as also having a disability.

New law requires the policies to include provisions for the following:

(1) The location and placement of cameras, including a prohibition against recording restroom interiors or any area designated for students to change or remove clothing.

(2) Written notice of the placement of the cameras to be provided to persons who enter the classroom, including teachers and other school employees, students in the classroom, the students' parents or legal guardians, and authorized visitors.

(3) Training on the new law for any teacher or other school employee who provides services in a classroom with an installed camera.

(4) The retention, storage, and disposal of the audio and video data recorded,

including a requirement that recordings be retained for at least one month from the date of the recording.

(5) Protecting student privacy and determining to whom and under what circumstances the recordings may be disclosed, including limiting viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request; and requiring any person who views a recording and who suspects the recording includes a violation of law to report the suspected violation to the appropriate law enforcement agency.

(6) Requiring each camera installed to comply with national fire safety standards.

(7) Procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom.

(8) Procedures regarding how a parent or legal guardian may request review of a recording, under what circumstances a request may be made, and any limitations to such requests.

New law provides that recordings made pursuant to new law shall be confidential and shall not be public records but may be viewed by the superintendent or his designee, by the parent or legal guardian of a recorded student, or by law enforcement as provided in the policies required by new law.

Prior law prohibited school officials and employees from sharing a student's "personally identifiable information", defined, in part, as information about an individual that can be used to identify, contact, or locate him. New law retains prior law, but provides that recordings made pursuant to new law shall not be considered "personally identifiable information".

New law authorizes the governing authority of each public elementary and secondary school to accept, administer, and make use of federal, state, and any local and private appropriations, any public and private grants and donations, and, when it is considered appropriate and feasible, to accept nonmonetary funding in the form of services or equipment for use in connection with the installation and operation of the cameras.

New law requires the state Department of Education to assist each school governing authority in identifying funding which may be available to assist in the installation and operation of the cameras.

New law provides that as specific funding becomes available for this purpose, each public school governing authority shall implement new law.

Effective upon signature of the governor (June 23, 2021).

(Amends R.S. 44:4.1(B)(9); adds R.S. 17:1948 and 3996(B)(59))

ULL Language Immersion School (ACT 110)

Prior law created and provided for a 14-member exploratory committee to develop a plan regarding the creation and establishment of an international language immersion school at the University of Louisiana at Lafayette. Prior law provided for members of the committee to serve until such time as the school is established and begins operation. Prior law required the committee to submit a written report and implementation plan to the Senate and House education committees not later than March 31, 2013.

New law repeals these provisions.

Effective August 1, 2021.

(Repeals R.S. 17:1970.32 and 1970.33)

Dual Enrollment Framework Task Force (ACT 147)

Present law establishes the Dual Enrollment Framework Task Force to make

recommendations for a statewide dual enrollment framework to provide universal access to dual enrollment courses.

Present law requires local public school boards to develop agreements with colleges and universities for articulation and transfer of credit.

Present law provides for task force termination on June 30, 2021. New law repeals present law.

New law provides that the task force is responsible for implementing the dual enrollment framework.

Present law requires the Bd. of Regents to submit a written report of task force findings and recommendations to the legislative committees on education by Oct. 1, 2020. New law requires annual submission of such a report.

New law adds one member to the task force who is a secondary school teacher who teaches a dual enrollment course.

(Amends R.S. 17:2922.1)

Tuition Award Program (ACT 457)

New law creates the M.J. Foster Promise Award Program to provide a financial award to each eligible student who enrolls in a qualified program at a two-year public postsecondary education institution or an accredited proprietary school licensed by the Board of Regents to pursue an associate degree or shorter-term postsecondary education credential required for certain high demand, high-wage occupations aligned to Louisiana's workforce priorities.

New law provides an award of up to $3,200 per year to apply to the tuition and required fees of each award recipient enrolled full-time, or an amount proportional to the hours enrolled if the recipient is enrolled part-time.

New law allows awards for students enrolled in qualified programs of less than a year duration to receive an award greater than $3,200 but less than $6,400. New law caps the total award amount at $6,400 per recipient.

New law requires the award to be paid by the state to the two-year public postsecondary education institution or proprietary school on behalf of the award recipient.

New law requires all other financial aid that the student qualifies for to be applied before the M.J. Foster Promise Award.

New law requires, in order to receive the funding, two-year public postsecondary institutions or proprietary schools offering qualified programs to identify and provide a path for credentials earned to be stackable and transferable as academic credit.

New law requires the Board of Regents to establish an advisory council to identify programs in which an eligible student may enroll to receive the award, which shall be designated as "quality programs", including a review of the return on the state's investment in awards made to recipients who completed a qualified program.

New law delineates the process that the advisory council must use in designating qualified programs, and requires the advisory council to identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and gain employment in the associated high-demand, high-wage jobs.

New law provides that the advisory council is comprised of 9 members holding specified offices or their designees.

New law requires an applicant for the award must meet numerous criteria, including:

(1) Be at least 21 years old.

(2) Have applied for federal student aid.

(3) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.

(4) Agree to annually perform, during each year that an award is received, at least 20 hours of

community service or to participate for at least 20 hours in an apprenticeship, internship, or mentorship that is related to the qualified program.

(5) Have a family income that does not exceed 300% of the applicable federal poverty guideline or certify unemployment or underemployment for at least the six months prior to the receipt of the award.

New law provides that to maintain an award the award recipient must meet numerous criteria, including:

(1) Maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which grades are issued.

(2) Have used the award to earn not more than 60 hours of academic credit.

(3) Certify the completion of at least 20 hours of community service or participation in an apprenticeship, internship, or mentorship for the prior calendar year.

New law allows an award recipient who successfully completes a qualified program in less than three years to be eligible to continue to receive the award for any remaining time of eligibility by enrolling in another qualified program and continuing to meet all other eligibility requirements.

New law allows an award recipient who previously received the award and enrolled in a program that is no longer a qualified program, to continue to use the award to continue in the program as long as all other continuing eligibility requirements are met.

New law provides that the administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups, as well as any available federal or other governmental funding.

New law provides that if the funding provided is not sufficient to fully fund all eligible award recipients, awards shall be provided to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received the award.

New law creates the "M.J. Foster Promise Program Fund" into which monies received for the program will be deposited for exclusive use by the administering agency for purposes of the program. New law allows unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund and be available for appropriation the next fiscal year.

New law provides that the costs for administering and promoting the program shall be paid from the funds appropriated for the program and shall not exceed five percent of the monies received for the program.

New law provides that implementation of the award is subject to the appropriation of state funds and limits the state appropriation to $10 million per year for students enrolled in public postsecondary education institutions and $500,000 per year for students enrolled in proprietary schools.

New law provides for the program to be administered by the Board of Regents, through the office of student financial assistance (OSFA).

New law requires OSFA to establish a working group to identify federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to further their postsecondary education endeavors. New law provides that the working group be composed of an appointee from each nine specified government agencies.

New law requires the administering agency to enter into a memorandum of understanding with the DOR and the LWC to share information relative to a taxpayer's reported income and employment information for purposes of generating data related to the success of award recipients in the workforce.

New law requires that any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information for any award recipient.

New law requires the administering agency to enter into a memorandum of understanding with the Department of Public Safety and Corrections to share information relative to a person's criminal history to determine award eligibility and to collect data relative to recidivism rates of award recipients.

New law requires the administering agency to develop and implement a uniform information reporting system for the purposes of policy analysis and program evaluation, requires an annual report to the legislature, and provides that all information reported shall be reported in the aggregate only and contain no personally identifiable information for any award recipient.

Effective upon signature of the governor (June 23, 2021).

(Adds R.S. 17:3047-3047.7)

Funding for Training of Nursing and Allied Health Professionals (ACT 109)

New law establishes the Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund as a special fund in the state treasury. Monies in the fund shall consist of legislative appropriations and grants and donations.

New law provides that subject to legislative appropriation and the approval of the Board of Regents, the La. Health Works Commission is directed to determine how monies in the fund are allocated and expended, through a multi-year plan to be expended solely and exclusively for the following purposes and in the following priorities:

(1) Meet the current and growing employment demands for nursing and allied health professionals, by increasing the capacity of nursing and allied health training programs through supporting initiatives, such as increasing faculty positions and clinical preceptors in nursing and allied health schools.

(2) Support the nursing and allied health professions, by providing incentives that financially support student financial stipends and tuition forgiveness contingent upon employment in Louisiana health care facilities or nursing or allied health schools.

(3) Provide incentives for nursing and allied health care professionals to practice in Louisiana with an emphasis on medically underserved areas of the state.

New law prohibits money in the fund from being used for construction, maintenance, repair, or improvement of structures.

New law requires the La. Health Works Commission to submit a plan of fund allocation to the Board of Regents on or before October first of each year.

New law requires the Board of Regents to submit a comprehensive annual report to the Senate Finance Committee, House Appropriations Committee, Senate Health and Welfare Committee, and the House Health and Welfare Committee, no later than 60 days after the end of the state fiscal year in which the monies were appropriated.

New law will terminate on July 1, 2026, or when all monies in the fund are spent, whichever occurs first. Any remaining monies on July 1, 2026, shall be transferred to the state general fund.

Effective August 1, 2021.

(Adds R.S. 17:3050.11)

College Credit for Military Training (ACT 429)

Prior law provided for a process whereby public postsecondary education institutions may be designated by the governor as a "Governor's Military and Veteran Friendly Campus".

New law expands the ability to earn a designation as a "Governor's Military and Veteran Friendly Campus" to all postsecondary education institutions in Louisiana.

New law provides that the criteria listed in present law for initial designation and renewal are the minimum requirements.

Prior law provided for a military articulation and transfer process for public postsecondary education institutions and required adoption and full implementation of this process as an eligibility requirement for designation as a military and veteran friendly campus.

New law additionally provides for the adoption and implementation of a military friendly articulation and transfer process for nonpublic postsecondary education institutions to be eligible for this designation.

New law adds completion rates of veterans, their spouses, and their children to the data required in the renewal application report. New law provides that the Bd. of Regents may identify and require other military friendly information as part of the renewal application.

Prior law required that the articulation and transfer agreements of public postsecondary education institutions maximize the articulation and transfer of credits earned by veterans.

New law clarifies prior law to ensure that a veteran's military education, training, and work experiences are reviewed and awarded appropriate academic and workforce credit upon application into Louisiana's public postsecondary education institutions and when transferring from one public postsecondary education institution in Louisiana to another.

Prior law provided that a veteran or the spouse of a veteran must request the evaluation of their transcript for prior learning credit.

New law requires the transcript of a veteran or the spouse of the veteran to be evaluated upon the disclosure of the military status on the application.

New law defines "veteran" as a former or current member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the U.S. Coast and Geodetic Survey.

Effective upon signature of the governor (June 21, 2021).

(Amends R.S. 17:3138.5 and 3165.2)

Advisory Council on Historically Black Colleges and Universities (ACT 417)

Present law provides for the Advisory Council on Historically Black Colleges and Universities (HBCUs) and requires the council to advise the commissioner of higher education and the Board of Regents regarding best practices for strengthening HBCUs.

New law increases the council's membership from 23 to 24 by adding an HBCU student body president and requires the council to submit an annual report to the House and Senate education committees detailing its findings and recommendations.

(Amends R.S. 17:3138.7)

Student Loan Information (ACT 413)

New law requires public postsecondary education institutions to provide any student who is enrolled in the institution and takes out an education loan with the following information annually:

(1) The annual amount of education loans taken out by the student.

(2) An update on the percentage of the borrowing limit the student has reached.

(3) Monthly repayment amounts that a similarly situated borrower may incur.

New law provides that an institution shall not be liable for providing such information.

New law provides that it is not applicable to private loans.

(Adds R.S. 17:3351(N))

LSU-Alexandria Aviation Course Fees (ACT 412)

New law authorizes the LSU Board of Supervisors to impose course fees for 10 aviation courses at LSU-Alexandria beginning with the Fall 2021 semester. New law provides the specific fee amount for each course.

Effective upon signature of governor (June 18, 2021).

(Adds R.S. 17:3351.21)

Campus Accountability and Safety Act (ACT 439)

New law requires Title IX coordinator to submit written report to chancellor no later than October 10 and April 10 of reports received involving power-based violence. New law requires immediate reporting of incident if coordinator believes the safety of any person is in imminent danger.

New law requires chancellor to submit report to institution management board within fourteen days of receiving report from coordinator.

New law requires system president to submit annual system-wide summary to Board of Regents by December 31st for posting on the Board's website.

New law requires Board of Regents annually to submit report, including system wide and statewide information with any recommendations for legislation, to the governor, legislative presiding officer and legislative education committees by January 15th.

New law provides that a person acting in good faith who reports or assists in investigating a report of an incident of power-based violence, or who testifies or participates in a disciplinary process or judicial proceeding arising from an incident, is (a) immune from civil and criminal liability that might otherwise be incurred or imposed as a result, and (b) may not be subject to any disciplinary action by the institution in which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident for which suspension or expulsion is not a possible punishment.

New law provides that immunity does not apply to a person who perpetrates or assists in the perpetration of the reported incident.

New law provides that a responsible employee determined by the institution's disciplinary procedures to have knowingly failed to make a report or, with intent to harm or deceive, made a report that is knowingly false, is to be terminated.

New law provides that, unless waived in writing by the alleged victim, the identity of an alleged victim is confidential and not subject to disclosure, except in the following cases:

(1) A person employed by or under contract with the institution to which the report is made, if disclosure is necessary to investigate the report.

(2) A law enforcement officer, as necessary to conduct a criminal investigation of the report.

(3) A person alleged to have perpetrated the incident, to the extent required by law.

(4) A potential witness to the incident, as necessary to conduct an investigation of the report.

New law requires that the victim has the right to obtain a copy of any report that pertains to the victim.

New law provides that an institution shall not discipline, discriminate, or otherwise retaliate against an employee or student who in good faith either: (1) makes a report as required by new law, or (2) cooperates with an investigation, a

disciplinary process, or a judicial proceeding relating to a report made by the employee or student as required by new law.

New law provides that protection from retaliation does not apply to an employee or student who either: (1) reports an incident of power-based violence perpetrated by the employee or student, or (2) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee or student perpetrated an incident of power-based violence.

New law requires that on or before January 1, 2022, each institution and law enforcement agency execute and maintain a written memorandum of understanding to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about power-based violence committed by or against students of the institution.

New law requires that each memorandum of understanding include:

(1) Delineation and sharing protocols of investigative responsibilities.

(2) Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

(3) Agreed-upon training and requirements for the parties to the memorandum of understanding on issues related to power-based violence for the purpose of sharing information and coordinating training to the extent possible.

(4) A method of sharing general information about power-based violence occurring within the jurisdiction of the parties to the memorandum of understanding in order to improve campus safety.

New law requires that each memorandum of understanding be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

New law requires each public postsecondary education management board to institute policies incorporating the policies and best practices prescribed by the Board of Regents regarding the prevention and reporting of incidents of power-based violence committed by or against students of an institution.

New law requires that each person designating a person as a confidential advisor under new law shall complete a training program that includes information on power-based violence, trauma-informed interactions, Title IX requirements, state law on power-based violence, and resources for victims.

New law requires completion of annual training relative to power-based violence and Title IX developed by the attorney general in collaboration with the Board of Regents, and provided through online training materials.

New law provides for obligation and duties of the confidential advisor.

New law requires institutions to implement a uniform transcript notation and communication policy, developed by the Board of Regents in consultation with the management boards, to effectuate communication regarding the transfer of a student who is the subject of a pending power-based violence complaint or who has been found responsible for an incident of power-based violence pursuant to the institution's investigative and adjudication process.

New law requires each institution to adopt a victims' rights policy, which, at a minimum, shall provide for a process by which a victim may petition and be granted the right to have a perpetrator of an incident of power-based violence against the victim barred from attending a class in which the victim is enrolled.

New law requires each institution to administer an anonymous power-based violence climate survey to its students once every three years.

New law provides that participation in power-based violence climate survey shall be voluntary and no student shall be required or coerced to

participate in the survey, nor shall any student face retribution or negative consequence of any kind for declining to participate.

New law requires that each institution make every effort to maximize student participation in the survey, and requires the institution to send report to the institution's management board and publish the survey results on the institution's website.

Effective upon signature of the governor (June 21, 2021).

(Amends R.S. 17:3399.11 and 3399.13-3399.17; adds R.S. 15:624(A)(3) and R.S. 17:3399.12)

Abuse on Campus (ACT 472)

Present law provides relative to the handling of sexually-oriented criminal offenses at public postsecondary education institutions. New law instead uses the term "power-based abuse", which includes domestic abuse, sexual assault, sexual harassment, and stalking.

New law requires employees to report to the campus Title IX Coordinator upon witnessing or receiving a direct statement regarding power-based abuse. New law provides that reporting is not mandated if information is received during a public forum or awareness event, in the course of reviewing academic work, or in the course of overhearing a conversation.

New law requires the Title IX Coordinator to report to the chancellor, requires the chancellor to report to the system president, requires the system president to report to the management board, and requires the management board to report to the Board of Regents.

New law requires the termination of any employee who fails to comply with these requirements.

New law grants victims the right to obtain a copy of any report pertaining to any incident involving them.

Present law requires each institution and local criminal justice agency to enter into a memorandum of understanding (MOU) relative to responsibilities, information, investigation protocols, and other aspects of dealing with sexually-oriented criminal offenses. Present law requires that the MOU be updated every two years.

New law requires that each MOU relative to power-based abuse include the campus police department, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus; be updated on at least an annual basis; be written; and be signed by all parties.

Present law requires institutions to post certain information on their website, including the phone number and website address for a victims' hotline, and requires this information to be updated "timely". New law instead requires it to be updated on at least an annual basis.

Present law authorizes institutions to provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crime on campus. New law requires rather than authorizes such online reporting systems.

Present law requires the Bd. of Regents to have developed a training program relative to handling sexually-oriented criminal offenses by Jan. 1, 2016, and for institutions to have provided such training not later than the beginning of the 2016-2017 school year.

New law extends such deadlines to Jan. 1, 2022, and the beginning of the 2022-2023 academic year, respectively, and provides for the training to address power-based abuse; adds that training shall also be provided to members of the Bd. of Regents and each public postsecondary education management board.

Present law requires the Bd. of Regents to have a uniform policy that requires institutions to communicate with each other regarding transfer of students who have had disciplinary action taken against them for sexually-oriented criminal offense.

Present law requires an institution to administer an anonymous sexual assault climate survey to its students once every three years. New law changes the terminology to refer to a power-based abuse climate survey and requires results to be posted prominently on each institution's website and for each institution to make every effort to maximize student participation in the survey.

Present law requires the Bd. of Regents to develop the survey in consultation with the management boards and work with such boards in researching and selecting the best method for survey development and administration. New law additionally requires the Bd. of Regents to consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations when performing these responsibilities.

Present law requires the Bd. of Regents to submit a written report on survey results to the House and Senate education committees and governor not later than Sept. 1st following administration of the survey. New law changes this deadline to 45 days prior to the convening of the next Regular Session of the Legislature.

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

(Amends R.S. 17:3399.13, 3399.14, 3399.15 and 3399.17; Adds R.S. 17:3399.12)

Power-Based Violence Review Panel (ACT 441)

New law defines "power-based violence" as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them, including sexual harassment, sexual assault, sexual exploitation, domestic abuse and family violence, dating violence, nonconsensual observation, stalking, unlawful communications, and unwelcomed sexual or sex- or gender-based conduct.

New law creates the Louisiana Power-Based Violence Review Panel under the jurisdiction of the Board of Regents composed of numerous members appointed in various ways.

New law requires that the Title IX coordinator serve for one year, and that it rotate between higher education systems appointed by each system president.

New law provides that a majority of the members of the panel constitute a quorum. New law provides that all official actions of the panel shall require the affirmative vote of a majority of the members of the panel. New law requires that the commissioner of education call the first meeting of the panel by August 15, 2021.

New law requires the panel to meet at least two times per year, up to a maximum of four times each year, and may meet at other times at the call of the chairman or as provided by panel rule.

New law requires that the panel:

(1) Evaluate policies and practices of institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents regarding reporting, investigating, and adjudicating power-based violence by and against students and recommend revisions to improve such policies and practices.

(2) Advise and assist institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents in coordinating procedures to provide power-based violence prevention programs.

(3) Serve as an advisory agency to the legislature, the governor, the Board of Regents, and the public postsecondary education management boards regarding power-based violence.

New law requires that to the extent permitted by and in accordance with the Public Records Law, the Board of Regents, each public postsecondary education management board, each public postsecondary education institution, and each local law enforcement or criminal justice agency located within a parish with a public postsecondary education institution campus shall make available all facts, records, information, and data required by the panel and in all ways cooperate with the panel in carrying out the functions and duties imposed by new law.

New law provides that domestic abuse includes any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.

New law requires the Board of Regents to develop a plan to distribute monies in the proposed Power Based Fund if that fund is created in the Act which originated as House Bill 515 of the 2021 R.S.

Effective upon signature of the governor (June 22, 2021).

(Amends R.S. 39:100.101(D); adds R.S. 17:3399.13(4) and 3399.18)

Disclosure of Campus Security Policies and Crime Statistics (ACT 447)

New law requires each public postsecondary education institution to publish on its website a report that contains campus security policies and campus crime statistics.

New law requires reports to contain, at a minimum, all information relative to such policies and statistics specified in federal law commonly known as the "Clery Act" and that reports be updated and posted by April 10th and October 10th annually.

New law provides for compliance monitoring by the Bd. of Regents and requires the board to notify the legislative education committees and the State Bond Commission regarding any failure to comply.

New law prohibits the Bond Commission, for a period of two years following such a notification, from authorizing the institution to incur any debt that is subject to the commission's approval.

New law authorizes any person to commence a suit in district court for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with new law together with reasonable attorney fees and costs.

Effective August 1, 2021.

(Adds R.S. 17:3399.18)

Compensation of College Athletes (ACT 479)

New law allows an intercollegiate athlete enrolled in a public postsecondary education institution, or a nonpublic postsecondary institution that receives or disburses any form of state student financial assistance, to earn compensation for the use of the athlete's name, image, or likeness.

New law provides that compensation earned by an intercollegiate athlete must be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.

New law provides that no postsecondary education institution, entity whose purpose includes supporting or benefitting an institution or its intercollegiate athletic programs, or officer, director, employee, or agent of such an institution or entity shall provide a current or prospective athlete with compensation for use of his name, image, or likeness.

New law prohibits a postsecondary education institution from adopting or maintaining a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness.

New law provides that earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

New law prohibits a postsecondary education institution, or an officer, director, or employee of a postsecondary education institution, from providing compensation or directing compensation to a current or prospective intercollegiate athlete.

New law prohibits a postsecondary education institution from using an athletic booster to, and prohibits an athletic booster from, directly or indirectly, creating or facilitating compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness as a recruiting inducement or as a means of paying for athletics participation.

New law allows a postsecondary education institution to prohibit an intercollegiate athlete from using the athlete's name, image, or likeness for compensation, if the proposed use of the athlete's name, image, or likeness conflicts with existing institutional sponsorship agreements or contracts or institutional values as defined by the postsecondary education institution.

New law prohibits an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or any form of gambling including sports wagering.

New law prohibits an intercollegiate athlete from using a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia, without the express permission of the postsecondary education institution.

New law allows a postsecondary education institution to require a third party entity engaging the athlete for a name, image, or likeness activity to follow the protocols established by the postsecondary education institution, including licensing protocols.

New law prohibits a postsecondary education institution from preventing or unduly restricting an intercollegiate athlete from obtaining professional representation.

New law provides that professional representation obtained by an intercollegiate athlete must be from a person registered with or licensed by the state in accordance with applicable law. An athlete agent representing an intercollegiate athlete must be registered with the state and comply with applicable state and federal law. An attorney representing an intercollegiate athlete must be licensed to practice law.

New law provides that a grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary education institution is not compensation and shall not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional or legal representation.

New law provides that a contract for compensation for the use of the name, image, or likeness of an intercollegiate athlete under 18 years of age shall be executed on the athlete's behalf by his parent or legal guardian.

New law prohibits an intercollegiate athlete from entering into a contract for compensation for the use of the athlete's name, image, or likeness that conflicts with a term of the athlete's athletic program's team contract.

New law provides that an intercollegiate athlete must disclose any contract entered into for compensation for the athlete's name, image, or likeness to the postsecondary education institution in which the athlete is enrolled.

New law provides that the duration of a contract for representation of an intercollegiate athlete or compensation for the use of an athlete's name, image, or likeness shall not extend beyond the athlete's participation in an athletic program at a postsecondary institution.

New law requires postsecondary education institutions to conduct a financial literacy and life skills workshop at the beginning of an intercollegiate athlete's first and third academic years. The workshops must include information on time management skills and academic resources and shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

New law requires postsecondary education management boards to adopt policies to implement new law and grants each management board discretion as to when it adopts its policies.

New law prohibits postsecondary institutions from implementing new law until such time as the appropriate management board adopts the required polices.

Effective upon signature of the governor (July 1, 2021).

(Adds R.S. 17:3701-3703)

Student Privacy vs. Benefits (ACT 366)

Existing 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 exceptions.

Prior law, the provisions of which terminated on June 10, 2021, provided the following:

(1) Required each public or nonpublic school or other entity participating in a meal program through which students were eligible for the pandemic electronic benefits transfer program to share student information with the Dept. of Children and Family Services for the purpose of facilitating program administration, including but not limited to the automatic issuance of benefits to eligible families.

(2) Limited such information to first and last name, address, and date of birth of each student eligible for free or reduced price meals at school.

(3) Excepted any student whose parent chose not to share information pursuant to the policy of the governing authority of the school or other entity.

New law extends the effectiveness of such terminated provisions until Dec. 31, 2022; adds a student's middle name, school site code, and student's unique identifier to the list of information to be shared; and adds that information shall also be shared for purposes of administering the summer electronic benefits transfer program, subject to the same limitations and exceptions.

Effective upon signature of governor (June 16, 2021); Repeal of new law effective December 31, 2022.

(Amends R.S. 17:3914)

Student Information Collection and Disclosure (ACT 407)

Existing law prohibits an official or employee of a local public school system from requiring the collection of certain student information, unless voluntarily disclosed by the parent or legal guardian. Existing 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.

Existing law provides for exceptions to the prohibition, including requiring public school governing authorities, with parental permission, to collect certain personally identifiable information for students in grades 8 through 12. Existing law authorizes the sharing of such information with La. postsecondary education institutions, the office of student financial assistance, and the Bd. of Regents for specific purposes.

The following personally identifiable information may be collected and shared in accordance with existing law: (1) full name, (2) date of birth, (3) social security number, and (4) student transcript data. New law adds race and ethnicity to the information that may be collected and shared.

New law authorizes postsecondary education institutions to use personally identifiable information to comply with state and federal reporting requirements.

New law revises information required to be on parental notification forms.

Existing law authorizes disclosing student information to the office of student financial assistance for purposes related to administering state and federal grants. New law authorizes disclosing information to the Bd. of Regents for such purposes.

Effective August 1, 2021.

(Amends R.S. 17:3914)

Small Group Learning Pods (ACT 400)

New law authorizes each public school governing authority to establish learning pods as an extension of any school under its jurisdiction.

New law defines "learning pod" as a group of at least 10 students enrolled in the school who receive instruction in a small group setting.

New law provides:

(1) All instruction provided to students assigned to learning pods shall be provided by teachers on the school's staff.

(2) Students shall only be assigned to a learning pod upon parental request or authorization upon recommendation of school officials and shall be:

(a) Counted among the enrollment of the public school governing authority for purposes of full funding through the Minimum Foundation Program formula.

(b) Subject to all requirements applicable to students enrolled in the school who are not assigned to learning pods.

(c) Eligible for participation in all services and activities for which they would be eligible if not assigned to a learning pod.

(3) Local policies and procedures at minimum shall provide for:

(a) The student population of the learning pod, which may be a blended population of students of different grade levels.

(b) The method of instruction for the learning pod, which may occur in-person at a physical location on the school campus, remotely through virtual instruction, or through a hybrid approach that combines both methods.

(c) Any specialized curriculum or program provided in the learning pod.

(d) The process for parents to request a student's assignment to a learning pod, grant authorization for a student's assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod.

New law is applicable to all public schools, including charter schools. New law is not applicable to any learning pod or other group of students that is formed and operated by parents, regardless of whether they are enrolled in a public school or a nonpublic school or participating in a home study program.

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

(Adds R.S. 17:3996(B)(59) and 4036.1)

Student Scholarships for Educational Excellence Program (ACT 196)

Existing law provides for the Student Scholarships for Educational Excellence Program, through which students attend participating schools through state-funded scholarships.

Existing law provides for DOE's responsibilities relative to program administration. New law requires DOE to conduct annual site visits at schools that fail to meet minimum standards for academic performance or that are otherwise not in good standing with the program.

Prior law limited enrollment of scholarship recipients to a maximum of 20% of the school's total enrollment in a school approved for less than two years. New law removes this enrollment cap.

Existing law provides eligibility criteria for nonpublic schools to participate in the program, including being BESE-approved and being in compliance with nondiscrimination requirements in federal law (Brumfield vs. Dodd).

New law, applicable to schools joining the program in the 2022-2023 school year or thereafter, provides that such schools must also be either:

(1) accredited by an accrediting entity specified in new law, or

(2) designated as a provisionally accredited approved school, which means that it is working toward meeting accreditation requirements and has met all other criteria for BESE approval; requires removal of such a school from the program if it fails to receive accreditation within four years.

New law adds that a school that fails to meet minimum standards for academic performance for three consecutive school years shall not be eligible for program participation; measurement of three consecutive years for this purpose shall commence with the 2021- 2022 school year.

Effective August 1, 2021.

(Amends R.S. 17:4021; Adds R.S. 17:4015(10) and 4021.1)

Remedial Literacy Program (ACT 415)

New law creates a literacy program for certain public school students in kindergarten through the 5th grade.

New law provides that a public school student who is in one of the following categories is eligible for the program:

(1) Enrolled in kindergarten or the first, second, or third grade and reads below grade level or is at risk for reading difficulties according to a literacy assessment.

(2) Enrolled in the fourth or fifth grade and scored below mastery in English language arts on the state assessment in the prior school year.

(3) Enrolled in kindergarten through the 5th grade, lacks a literacy or English language arts assessment result, and is recommended for the program by an English teacher.

New law gives priority to the lowest-performing, economically disadvantaged students for participation in the program.

New law provides for payments of up to $1000 per student per school year for eligible services intended to improve reading or literacy skills.

New law requires the Dept. of Education to administer the program pursuant to rules and regulations adopted by the State Bd. of Elementary and Secondary Education. New law requires the department to:

(1) Develop an application process and accept applications for both students and service providers.

(2) Evaluate students and service providers for eligibility.

(3) Remit payments to service providers for services rendered.

(4) Evaluate program provider effectiveness through participants' La. Educational Assessment Program assessment scores and literacy assessment results.

(5) Notify public school governing authorities about the program and the application process.

(6) Annually report to the House and Senate education committees regarding the program.

New law requires any person providing tutoring through the literacy program established by new law to complete the foundational literacy skills instruction course established by another new law.

New law requires public school governing authorities to notify the parents or legal guardians of eligible students of the program and the application process.

New law provides that implementation of the program is subject to the appropriation of funds or the availability of local funds. New law authorizes the department to use funds appropriated for the purpose of increasing early literacy or supporting academic achievement among elementary school students.

Effective August 1, 2021.

(Adds R.S. 17:4032.1)

School Choice (ACT 420)

Existing law allows parents to enroll their children in the public school of their choice, regardless of residence, school system geographic boundaries, or attendance zones, if both of the following apply:

(1) The public school in which the student was most recently enrolled or would otherwise attend received a school performance letter grade of "D" or "F" for the most recent school year.

(2) The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year and has sufficient capacity at the appropriate grade level.

New law authorizes the State Bd. of Elementary and Secondary Education (BESE) to review transfer request denials to determine if the school's capacity policy was followed.

Existing law requires each public school governing authority to adopt a policy to govern student transfers that are authorized by existing law.

New law requires such policy to include an annual transfer request period from at least March 1 to March 28 and a definition of capacity for each school.

New law requires the school governing authorities to annually inform parents of students enrolled in schools that received a "D" or "F" school performance letter grade for the most recent school year regarding:

(1) The provisions of existing law and new law.

(2) The schools under the jurisdiction of the governing authority that received an "A", "B", or "C" school performance letter grade.

(3) The process for submitting student transfer requests.

(4) The page on the state Dept. of Education's website that contains school performance data.

New law requires BESE to submit a report to the legislative committees on education by Oct. 31 annually that includes data relative to student transfers during the most recent school year.

Effective August 1, 2021.

(Amends R.S. 17:4035.1)

TOPS (ACT 95)

Present law provides for the Taylor Opportunity Program for Students.

New law updates terminology relative to institutional accrediting agencies to conform to federal rule changes by removing the terms "regional" and "regionally".

New law extends, beginning with students who graduate in the 2020-2021 academic year, the date by which a student must take the ACT or SAT to receive qualifying scores with a one semester award reduction from July first to August first. New law provides that if a student was prevented from taking the test on or prior to the April national ACT test date due to issues with test administration, the student may provide a qualifying test score by September 30th without a one semester award reduction.

Present law provides alternative initial eligibility for students who graduate from approved home study programs, provided the student began the home study program prior to the end of their tenth grade year and met all other qualifications required by law.

New law additionally requires the administering agency to provide guidelines and procedures for receiving and considering an application for an award from a student who commenced an approved home study program after the end of their tenth grade year, if the move to home study was due to documented circumstances beyond the immediate control of the student.

Present law provides for modified eligibility requirements during a declared health emergency. Prior law provided that for students graduating in 2020, the deadline for taking the

ACT or SAT for purposes of consideration for an award shall be December 31, 2020.

New law allows the administering agency to make exemptions for students who graduate in 2020 and 2021 and test after the prescribed deadlines, if the student provides documentation of:

(1) Registration for a test scheduled on a date prior to the deadline.

(2) Inability to take the test as scheduled due to circumstances related to COVID-19.

(3) Inability to reschedule a test before the deadline due to circumstances beyond the student's control, as determined by the administering agency.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 17:5002, 5027, 5029, 5043, 5062, and 5103)

TOPS History Courses (ACT 334)

Existing law provides for the Taylor Opportunity Program for Students (TOPS) as a program of merit scholarships for students attending certain postsecondary education institutions who meet specific initial eligibility requirements, including academic requirements pertaining to grade point average, ACT score, and a specified high school core curriculum.

For a student to be eligible for an award, existing law requires four units of social studies, as follows:

(1) One unit chosen from the following: U.S. History, AP U.S. History, or IB U.S. History.

(2) One unit chosen from the following: Civics, Government, AP U.S. Government and Politics: Comparative, AP U.S. Government and Politics: United States.

(3) Two units chosen from the following: Western Civilization, European History, or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics.

New law, applicable to students graduating from high school during the 2021-2022 school year and thereafter, adds African American History to the list of courses in (3) above.

Effective August 1, 2021.

(Amends R.S. 17:5025)

TITLE 18: LOUISIANA ELECTION CODE

Voting System (ACT 480)

Prior law defined both voting machines and electronic voting machines. New law consolidates this definition to "voting machine" only and removes references to "electronic voting machines" in prior law.

New law provides for definitions of cast ballot, vote-capture device, voter-facing scanner, and voter-verified paper record.

Present law provides that paper ballots may be used when voting machines fail. New law adds that paper ballots may be used for voting absentee by mail, early voting, provisional voting, and election day voting after the procurement of a new voting system by the state.

Prior law provided that the secretary of state may prescribe rules and regulations regarding the preparation and use of voting systems that shall be approved by the attorney general.

New law requires the secretary of state to promulgate rules and regulations with respect to matters pertaining to the certification standards and requirements, procurement and preparation of voting systems in accordance with the Administrative Procedure Act and subject to legislative oversight which shall be approved by the attorney general.

New law provides for these promulgated rules and regulations to comply with new law establishing requirements for the acquisition of new voting systems and standards and procedures for voting system usability, accessibility, durability, accuracy, efficiency, and capacity and the control and the control and auditability of voter-verified paper records.

Prior law provided that the secretary of state may examine any voting system or system component upon the request of a representative of the system's maker or supplier, and certify the system for use in the state if it meets criteria established in prior law.

New law provides that the secretary is required to examine and certify any voting system or system component upon request and must develop and adopt appropriate certification standards prior to soliciting bids for any new voting system.

Prior law provided that the secretary of state may employ experts to assist with the examination of voting systems or system components.

New law requires the secretary of state to contract such experts, specifies their necessary qualifications, and provides for the minimum number of experts required and maximum number of experts allowed.

Prior law provided that the expenses of the services of the experts assisting the secretary of state with the examination of voting systems cannot exceed $500. New law removes the limitation on expert expenses.

Present law provides that no voting system or component shall be used at any election which has not been approved by the secretary of state as provided in prior law.

New law requires the voting system or component used to be certified by the secretary of state in accordance with new law.

Prior law provided all voting systems or system components shall be procured by the secretary of state on the basis of a competitive request for proposal or solicitation of public bids in accordance with specifications in prior law that may require tests and examinations of operations of the voting system or system components.

New law provides that the secretary of state must procure all voting systems or system components taking into consideration recommendations developed by a voting system commission established in new law that mandate testing and examination of the voting system or system components.

New law creates the Voting System Commission to analyze available voting systems and issue a report to the secretary of state providing recommendations on which type of paper ballot voting system to solicit bids or requests for proposals.

New law requires that the Voting System Commission consider only a paper ballot system that utilizes a voter-verified paper record to replace the state's current inventory of direct electronic voting machines.

New law creates the Voting System Proposal Evaluation Committee to investigate and test the voting systems that meet the qualifications established by the Voting System Commission and determine which voting system to suggest the secretary of state purchase in coordination with the office of state procurement.

Prior law provided that the secretary of state shall determine the sufficiency of voting machines and absentee by mail and early voting counting equipment necessary to conduct an election at his discretion.

New law requires the secretary of state to evaluate the sufficiency of this equipment annually in consultation with the Voting System Commission.

New law establishes requirements that any new voting system procured by the secretary of state shall produce auditable voter-verified paper records, that any voting system equipment shall have only essential functionality and shall not connect to the internet, that restrict access to physical ports on voting machines, that require

disclosure of foreign ownership of any voting system vendor, that prohibit the tabulation of fractional votes, and that require voting system servers to be located within the state.

New law requires the secretary of state to submit the details of any proposed expenditure of monies from the Help Louisiana Vote Fund for the acquisition of any element or component of a voting system to the Joint Legislative Committee on the Budget for review and approval prior to making the expenditure.

Prior law provided that the secretary of state may utilize any procedure necessary to accommodate the use of paging direct record electronic voting machines for voting where possible. New law repeals prior law.

Effective upon signature of the governor (July 1, 2021).

(Amends R.S. 18:18, 1351,1352, 1353, 1361, 1362,1364, and 1400.21; adds R.S. 18:1362.1,1362.2, and 1366 and 36:744(O) and (P); repeals R.S. 18:553.1 and 1365)

Training for Registrars of Voters (ACT 16)

New law requires a registrar of voters appointed after 2021 to complete orientation and training that is prepared by the secretary of state and the Registrar of Voters Assoc., approved by the attorney general, and conducted by the secretary of state.

Effective January 1, 2022.

(Amends R.S. 18:54)

Voting by Felons (ACT 127)

New law provides procedures, reports, and definitions relative to registration and voting by a person with a felony conviction.

Prior law provided that, except for those convicted of certain election-related offenses, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to vote based on the order, if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

New law removes the requirement of submission of documentation to the registrar of voters.

New law additionally provides that "incarcerated pursuant to the order" means actual confinement in a correctional facility pursuant to the order of imprisonment, including confinement after conviction but prior to sentencing for which the person is given credit in the order and confinement following revocation of probation or parole. New law provides that "incarcerated pursuant to the order" shall not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

Present law requires the clerk of a court having jurisdiction over a criminal proceeding to record in the minute book certain convictions of a felony and the name, aliases, date of birth, sex, and address of the person subject to the conviction.

Prior law provided that the required information must be recorded for each conviction of a felony for which there is an order of imprisonment. New law provides instead that the required information must be recorded for each conviction of a felony for which the person is incarcerated pursuant to the order.

Present law requires the sheriff and district attorney to provide specified information, if available, regarding persons convicted of a felony to a registrar of voters, if requested. New law adds that the information shall include the type of felony offense and whether the conviction resulted in an order of imprisonment for which the person is incarcerated pursuant to the order.

New law further requires the secretary of the Dept. of Public Safety and Corrections or an authorized representative (DPSC), if requested, to provide information to a registrar of voters regarding a person who is under an order of

imprisonment for conviction of a felony, including whether the person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense and whether the person has been incarcerated pursuant to the order within the last five years.

Present law requires the secretary of DPSC to send to the Dept. of State a report containing the name, date of birth, sex, and address for certain persons.

Present law requires the reports from DPSC to contain the specified information for each person who has a felony conviction and who is under the custody or supervision of DPSC.

New law provides that the reports only contain the information regarding those persons who are ineligible to register or vote.

Prior law required the secretary of DPSC to indicate in supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of DPSC and whether the individual has been granted or is eligible to be granted a first offender pardon. New law removes prior law.

Present law requires each U.S. attorney to notify the secretary of state of certain felony convictions in a U.S. district court. Prior law required reporting for any felony conviction of a person for which there is an order of imprisonment. New law instead requires reporting for any felony conviction of a person for which there is an order of imprisonment pursuant to which the person is incarcerated.

Prior law required the registrar to send a notice to each person listed on a report received pursuant to present law and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment.

New law instead provides that the registrar send the notice to each such person the registrar has reason to believe is ineligible to register or vote. New law requires the registrar to include in the notice to the registrant the information that constitutes the reason the registrar believes the registrant ineligible. New law requires the registrar to note that information in the registrant's registration information.

Effective Feb. 1, 2022.

(Amends R.S. 18:102, 171, 171.1, and 176)

Election Laws (ACT 381)

Prior law provided that on election days the principal office of the registrar shall remain open until 9:00 p.m. New law provides that the principal office shall remain open until 9:00 p.m. or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.

New law allows the Dept. of State or registrar of voters to provide the email address of a candidate to the Supervisory Committee on Campaign Finance Disclosure for purposes of contacting the candidate regarding campaign finance reporting, and prohibits the supervisory committee from sharing this information.

Prior law provided that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election. New law authorizes eight days of compensation for congressional primary elections.

Existing law provides that when a person who qualified as a candidate and has opposition in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election, the qualifying period for candidates in the primary election for that office shall reopen for candidates. Existing law provides that if the qualifying period reopens within a specified period before a primary election, all the votes cast in the primary election for that public office are void, unless there were no additional candidates who qualified.

Prior law provided that votes cast were void if qualifying reopened within 30 days before the primary election. New law provides that the votes are void if the ballots have already been printed when qualifying reopens.

Existing law provides that the registrar shall utilize the procedures provided in the Code to determine the validity of the registration of each challenged voter who did not submit an address confirmation card. Existing law requires the registrar to take certain actions when an address confirmation card was received that stated an address different from the address on file in the registrar's office for a registrant.

Prior law required the registrar to change or cancel the registration. New law provides that a registrar shall change the registrant's address to the address on the address confirmation card if the change of address is in the parish; transfer the registrant's registration to another parish if the address is in another parish; or cancel the registration if the address is in another state.

Prior law required that a statewide presidential preference primary election be held on the first Saturday in March. New law requires that such an election be held on the last Saturday in March.

New law changes the date for the opening of qualifying for presidential candidates from the first Wednesday in Dec. to the third Wednesday in Dec.

Prior law prohibited the secretary of state from accepting any revisions to ballot propositions after the last day for submission of the notice and certificate to the secretary of state.

New law adds as an exception that revisions may be accepted if ballots have not been printed, the revision corrects a typographical error, and the revision has been approved by the governing authority that called the proposition election.

Existing law provides for early voting to be held at the registrar's office or at a location in or near the courthouse and at branch office locations designated by the registrar. Prior law limited the number of branch office early voting locations in a parish to one. New law removes this limitation.

Existing law authorizes the secretary of state to develop and implement a program for conducting early voting at additional locations in each parish. With respect to the hours and days of early voting at a location selected pursuant to the program:

(1) Prior law authorized the registrar, subject to the approval of the secretary of state, to set the days of early voting. New law removes prior law.

(2) Existing law authorizes the registrar, subject to the approval of the secretary of state, to set the hours of early voting. Prior law required secretary of state approval 25 days prior to the election. New law requires such approval 30 days prior to a primary election and 21 days prior to a general election.

Existing law requires the parish custodian to notify each candidate to contact the registrar of voters for the time and place at which the voting machines will be prepared for early voting. New law requires the registrar of voters to post at the registrar's office adequate notice of the date, time, and place at which the voting machines will be prepared for early voting and to post the information on the registrar's office website, if possible.

Existing law provides that recounts of absentee by mail and early voting ballots and the inspection of the flaps removed from paper ballots are held at a specified time or following the reinspection of voting machines on the 5th day after the election and at any time ordered by a court of competent jurisdiction.

Prior law provided that the specified time for such recounts and inspections was 10:00 a.m. New law provides that the time is to be set by the secretary of state in conjunction with the registrar and clerk of court.

Prior law provided that the deadline for requesting such a recount or inspection was 4:30 p.m. on the last working day prior to the date of the recount. New law provides that the deadline

is 4:30 p.m. on the 3rd calendar day after the election.

Existing law provides that if a challenge of an absentee by mail or early voting ballot is sustained, the parish board of election supervisors shall notify the voter of the challenge and the cause therefor by mail addressed to the voter at his place of residence. Prior law required that such notice be given within three days. New law requires that such notice be given within four business days.

Prior law authorized the parish board of election supervisors to request, from the secretary of state, an increase or decrease in the number of voting machines needed for an election or at a specific precinct. New law authorizes the parish custodian of voting machines to make such a request.

Existing law provides that if there is a shortage of voting machines, the secretary of state may reallocate voting machines among precincts to ensure that each polling place is allocated at least one voting machine. Prior law provided that upon any reduction in allocation of voting machines, the secretary of state shall immediately notify election officials in each affected parish. New law changes the recipient of such notice from the parish board of election supervisors to the parish custodian of voting machines.

Existing law provides for a delay in clearing of voting machines and election results cartridges if an action contesting an election is instituted within the required period of time. Prior law required the secretary of state to direct clearing of such machines and cartridges when the trial judge certified that the court had obtained all the information from the machines or cartridges necessary for the trial of the action. Prior law required such certification within six days after the suit was filed. New law requires the secretary of state to direct such clearing after all necessary data is copied to removable memory devices.

Existing law requires political committees and candidates to file campaign finance reports containing specified information during the period from midnight of the 20th day prior to an election and through midnight of election day. Prior law required reports to be filed within 48 hours of the acceptance of a contribution or loan or of making an expenditure. New law requires that such reports be filed within two business days of such events.

Effective upon signature of governor (June 17, 2021).

New law prohibits knowingly, willfully, or intentionally transmitting or otherwise providing false or misleading information concerning an election from a source disguised to appear to be or while impersonating the secretary of state, a registrar of voters, a clerk of court, or other election official.

Effective January 1, 2022.

Existing law provides that whenever a registrar has reason to believe that a registrant has changed residence within the parish, or that a change has occurred in the registrant's mailing address within the parish, the registrar shall mail the address confirmation card. Prior law provided that if a registrant failed to return the address confirmation card, the registrar was required to follow the procedures for challenge and cancellation of registration.

New law provides that the registrant has 30 days to return the address confirmation card, after which the registrar shall place the registrant on the inactive list of voters.

Existing law provides that a list of watchers shall be filed with the clerk of court. Prior law required such filing before 4:30 p.m. on the tenth day before the primary or general election. New law changes deadline to the 10th business day before the primary or general election.

Effective February 1, 2022.

(Amends R.S. 18:134, 154, 198, 423, 435, 469, 573, 1280.21, 1280.22, 1285, 1300, 1308, 1309, 1309.1, 1313.1, 1315, 1363, 1373, 1376, 1461.7, 1491.6, and 1495.4)

Dead Voter Registration Cancellation (ACT 364)

Existing law requires a registrar of voters to remove a deceased person's name from the voter registration rolls upon receipt of a certified copy of a death certificate. New law requires such removal within 30 days after receipt of the death certificate.

Existing law requires the La. Dept. of Health (LDH) to send a report each month to the Dept. of State regarding persons who died in the preceding month. Existing law requires the Dept. of State to cancel the registration of any deceased person when the information provided by LDH corresponds to criteria established by existing law. New law requires such cancellations to be made within 30 days after receipt of the report.

New law requires the Dept. of State to forward names of persons whose registrations were not canceled to the registrars and requires the registrars to, within 30 days, cancel or challenge registrations of deceased persons if the LDH information is sufficient to do so.

Prior law authorized a registrar of voters to cancel registrations based on obituaries. New law requires the registrar to do so and requires the registrar to search obituaries.

Effective June 1, 2022.

(Amends R.S. 18:173)

Training for Election Supervisors (ACT 12)

New law provides that members of a parish board of election supervisors, except the registrar of voters or the clerk of court, shall complete annual training related to the preparation for and the conduct of elections. New law provides that such training shall be prepared by the secretary of state and approved by the attorney general.

Effective January 1, 2022.

(Amends R.S. 18:423(B))

Absentee and Early Voting (ACT 423)

Existing law authorizes parishes to conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots the day before the election.

Prior law limited the applicability of existing law to parishes with 1,000 or more absentee by mail ballots returned to the registrar of voters. New law removes this limitation thereby making existing law applicable to all parishes.

New law authorizes any parish, with written approval of the secretary of state, to conduct the preparation and verification of absentee by mail and early voting ballots beginning three days before the election day.

Prior law provided relative to elections impaired by a declared disaster or emergency and allowed the preparation and verification process to begin four days before election day, and provided that prior law ceased to be effective on Aug. 1, 2021. New law repeals prior law.

Existing law requires that absentee by mail and early voting ballots be tabulated and counted on election day.

Effective August 1, 2021.

(Amends R.S. 18:423(J), 1313.1, and 1315; Repeals R.S. 18:1313.2)

Election Commissioners (ACT 377)

Prior law provided that in any statewide presidential preference primary election, the number of election commissioners required at each precinct is one commissioner-in-charge and two commissioners. New law repeals prior law.

Existing law provides that for gubernatorial and congressional elections, there shall be one commissioner-in-charge and four commissioners for precincts with more than 300 active registered voters and three commissioners for precincts with 300 active registered voters or less.

New law makes existing law applicable to presidential preference primary elections.

Effective February 1, 2023.

(Amends R.S. 18:425; Repeals R.S. 18:1280.21(E))

Lafayette Parish Political Parties (ACT 150)

Existing law provides that in each parish, except Orleans and Jefferson, the parish executive committee of a recognized political party shall be composed of five members elected at large from the parish and as many members as there are members of the parish governing authority elected, one each, from the districts or wards from which the members of the parish governing authority are elected.

New law adds an exception for Lafayette Parish and provides that, in Lafayette Parish, the parish executive committee of a recognized political party shall be composed of one member elected from each councilmanic district and nine members elected at large from the parish.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 18:444(G))

District Attorney Discretion Regarding Objections to Candidacy (ACT 175)

Existing law authorizes a registered voter to bring an action objecting to the candidacy of a person who qualified as a candidate for an office for which the registered voter is qualified to vote. Existing law authorizes a registered voter to present evidence to the district attorney that a candidate has illegally qualified for elective office.

Prior law required the district attorney to determine whether or not the evidence presented established grounds for objecting to such candidacy and to file an action objecting to candidacy if determined that there were grounds for objecting to the candidacy. New law authorizes, rather than requires, the district attorney to make such determinations and file such actions.

Existing law requires a district attorney who finds that a convicted felon has filed a notice of candidacy to file an objection to the candidacy.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 18:491(B))

Teenagers in Voting Booths (ACT 397)

Existing law authorizes children to accompany their parents or legal guardians into a voting booth.

Prior law was limited to pre-teen children. New law is applicable to minor children.

Effective January 1, 2022.

(Amends R.S. 18:563(B))

Slower Voting (ACT 22)

Old law provided that during early voting and on election day, a voter shall not remain in a voting machine longer than three minutes. Old law provided that if a voter fails to leave a voting machine promptly after being notified by the appropriate election official that three minutes have elapsed, the commissioner, if on election day, shall order the voter to complete voting and leave the voting machine, and if during early voting, the registrar or deputy registrar shall have the voter removed from the voting machine.

New law provides instead that a voter shall not remain in a voting machine for longer than six minutes. New law provides that if the ballot is lengthy or if it contains complex propositions or constitutional amendments, the appropriate election officials may allocate additional time in an equitable manner.

Present law specially allows a voter receiving assistance in voting or a voter using the audio ballot to remain in a voting machine for up to 20 minutes.

Effective Jan. 1, 2022.

(Amends R.S. 18:563 and 1309)

Early Voting for President (ACT 365)

Existing law provides that the early voting period runs from 14 to seven days prior to the election.

New law expands the early voting period for the presidential election by providing that the period for conducting early voting shall be from 18 days to seven days prior to the presidential election.

Effective upon signature of governor (June 16, 2021).

(Amends R.S. 18:1309)

Polling Place Rules (ACT 85)

Prior law provided for legislative intent regarding the creation of a campaign-free zone around polling places to ensure that voters are able to exercise the right to vote in a secure environment and acknowledges prior instances of election problems that led to the creation of the campaign-free zone.

New law removes references to prior election problems and clarifies the legislative intent is to preserve the integrity of the election process, and to protect the right of citizens to vote freely for the candidates of their choice, the state has a compelling interest in establishing a zone securing polling locations against certain conduct and activities, including voter intimidation, election, fraud, confusion, and general disorder, that would interfere with the exercise of the right to vote.

Except as otherwise specifically provided by law, present law provides for a campaign-free zone around polling places by prohibiting certain acts between the hours of 6:00 a.m. and 9:00 p.m. within or within a radius of 600 feet of the entrance to any polling place being used in an election on election day or during early voting.

Present law prohibits soliciting any other person to vote for or against any candidate or proposition being voted on in an election within the zone during the designated time period.

Prior law prohibited handing out, placing, or displaying campaign cards, pictures, or other campaign literature of any kind or description whatsoever and placing or displaying political signs, pictures, or other forms of political advertising within the zone during the designated time period.

New law specifies that the prohibition applies to materials advocating for or against any candidate, proposition, or political party appearing on the ballot in the election.

Present law prohibits circulating a recall petition or seeking handwritten signatures to a recall petition within the zone during the designated time period.

New law further prohibits circulating or seeking signatures to any petition within the zone during the designated time period.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 18:1462)

Registration of Exit Pollsters (ACT 13)

Present law prohibits various political activities between the hours of 6:00 a.m. and 9:00 p.m., within or within a radius of 600 feet of the entrance to any polling place being used in an election on election day or during early voting.

New law retains present law and requires persons conducting exit polls during times and in places covered by present law to register with the secretary of state.

Effective Jan. 1, 2022.

(Adds R.S. 18:1462.1)

Unlimited Political Committee Contributions (ACT 428)

Prior law provided that the total amount of combined contributions for both the primary and general elections that may be accepted by a candidate and his principal and subsidiary campaign committees from political committees shall not exceed $80,000 for major office candidates, $60,000 for district office candidates, and $20,000 for other office candidates in aggregate.

New law removes the limitation on combined contributions for both the primary and general elections that may be accepted by any candidate and his principal and subsidiary campaign committees from a political committee.

Effective August 1, 2021.

(Repeals R.S. 18:1505.2(H)(7))

TITLE 19: EXPROPRIATION

TITLE 20: HOMESTEADS AND EXEMPTIONS

TITLE 21: HOTELS AND LODGING HOUSES

TITLE 22: INSURANCE

Emergency Rules Powers (ACT 223)

New law authorizes the commissioner of insurance to issue certain emergency rules and regulations whenever the governor declares a state of emergency or a public health emergency.

New law provides that the rules and regulations may address any of the following items related to insurance policies or health maintenance organization contracts in the state:

(1) Medical coverage relative to removal of telehealth and telemedicine access restraints; suspension of physician credentialing requirements; and expansion of remote access to pharmaceutical drugs.

(2) Grace periods for payment of premiums and performance of other obligations by insurers or insureds. New law authorizes the commissioner to implement a grace period for a period not to exceed 60 days during which the commissioner shall be strictly limited to requiring health insurers pending subsequent claims until any arrearages are corrected or the product is permissibly cancelled or nonrenewed and may require prior notice to providers as a prerequisite for nonpayment of claims at the end of the grace period. New law provides that if arrearages are not corrected and the product is permissibly cancelled or nonrenewed, a health care provider may seek payment for services rendered from the insured.

(3) Temporary postponement of involuntary cancellation or nonrenewal by the insurer.

New law requires that the commissioner's action specify the kinds of insurance affected, the geographic areas to which the rule or regulation applies, which may be less extensive but not more extensive than the geographic area in the governor's declaration, and the effective dates of the emergency rule or regulation, which are not to exceed the period of the governor's emergency declaration, including any extension or an earlier termination of the state of emergency.

New law requires that any emergency rules or regulations are subject to legislative oversight in accordance with R.S. 49:950, et seq.

New law provides that, upon determination by the commissioner that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon shorter notice, and who within five days of adoption states in writing the reasons for that finding, the commissioner may proceed without prior notice or hearing or upon any abbreviated notice and hearing that is practicable, to adopt an emergency rule.

New law requires that the reasons for finding it necessary to adopt an emergency rule must include specific reasons why the failure to adopt the rule on an emergency basis would result in imminent peril to the public health, safety, or

welfare, or specific reasons why the emergency rule meets other criteria for adoption of the rule.

New law requires the commissioner's statement to be submitted to the speaker of the House of Representatives and the president of the Senate.

New law authorizes an oversight subcommittee hearing to review the emergency rule within 60 days after receipt of the commissioner's statement by the presiding officer of either house to determine whether it meets criteria for an emergency rule. New law provides that if the oversight subcommittee finds the rule unacceptable it shall prepare a written report to the governor.

New law provides for gubernatorial review of the emergency rule within 60 days after its adoption. If found unacceptable, the governor is to provide a written report to the commissioner and the Louisiana Register no later than four days after his determination, and requires that upon receipt of the report, the rule shall be nullified and shall be without effect.

New law shall not be construed to grant the commissioner authority to issue emergency rules or regulations not otherwise authorized in new law.

New law requires promulgation, pursuant to the Administrative Procedure Act, of rules and regulations to govern the business of insurance in the event of a declaration of emergency.

New law requires that any rule adopted under new law governing medical coverage not specifically enumerated must be presented by the commissioner to the Senate and House insurance committees for review and approval by either committee prior to adoption.

New law provides that any temporary postponement of cancellation or nonrenewal shall not remain in effect beyond 60 days, unless presented by the commissioner to the Senate and House insurance committees for review and approval by either committee prior to any extension.

New law authorizes the Senate and House insurance committees, meeting jointly or separately, to consider an emergency rule promulgated under new law, and to reject the rule or any provision thereof, in which case the rejected rule or provision shall be nullified and shall be without effect.

Effective August 1, 2021.

(Adds R.S. 22:11(C))

Directors, Officers, and Trustees of Domestic Regulated Entities (ACT 14)

New law provides that a person serving as an officer, director, or trustee of a domestic regulated entity shall submit a request to the commissioner of insurance for a letter of no objection containing all of the following:

(1) Biographical and other information as the commissioner may require to ensure sufficient competence, experience, and integrity to protect the interests of the policyholders or members of the domestic regulated entity and the public.

(2) A statement from the domestic regulated entity indicating the position of which the person has been elected, appointed, or otherwise chosen.

(3) A sworn statement from the person confirming the absence of any conflicts of interest upon assuming the position, or the disclosure in writing of any conflicts of interest to the domestic regulated entity and the receipt in writing of their waiver by the domestic regulated entity.

(4) A true copy of the acceptance of trust, oath of office, or other such document signed by the person, which includes a sworn statement that the person agrees to abide by and direct the activities of the domestic regulated entity in compliance with applicable laws and regulation.

New law provides that the commissioner may refuse to issue or rescind a letter of no objection if he finds any of the following:

(1) The competence, experience, or integrity of the person is not sufficiently in the interest of policyholders or members of the domestic regulated entity or of the public to allow the person to serve in the proposed position.

(2) The person has been convicted, entered a plea of guilty or nolo contendere, or participated in a pretrial diversion program for a felony or misdemeanor involving moral turpitude or public corruption or a felony involving dishonesty or breach of trust.

(3) The person knowingly makes a materially false statement or omits material information in his request for a letter of no objection.

(4) The person fails to provide information that the commissioner requires to evaluate the person's competence, experience, and integrity.

New law provides that the commissioner may waive the submission of a biographic affidavit, third-party background verification, and fingerprint card if either of the following occurs:

(1) The person is currently serving as an officer, director, or trustee and has served in that capacity for five consecutive years.

(2) The person has received a letter of no objection from the commissioner within one year of being elected or appointed and attested that no material change has occurred in the information submitted in support of that request.

(Adds R.S. 22:41.3)

Actuaries and Valuation Standards (ACT 370)

New law provides for qualification standards of property and casualty independent actuaries and provides for valuation manual standards used to value reserves for insurers.

Prior law required property and casualty insurers who apply for a certificate of authority to include a three-year agreement with an independent qualified actuary who is a member of the American Academy of Actuaries or the Casualty Actuarial Society and in good standing and who provides and certifies an annual actuarial reserves analysis.

New law changes the requirement of the independent qualified actuary from one who is a member of the American Academy of Actuaries or the Casualty Actuarial Society to an independent qualified actuary as defined in the National Association of Insurance Commissioners Quarterly and Annual Statement Instructions.

Prior law required foreign life insurers and fraternal orders to submit a valuation certificate issued by their domiciliary state before August 1 of the year following the year of valuation.

New law changes the certificate from one issued by the insurer's domiciliary state to one issued by the proper authority of any state or jurisdiction when the valuation complies with the minimum standards provided in new law.

New law sets forth what requirements the valuation manual should meet, including specifying the following minimum valuation standards:

(1) The commissioner's reserve valuation method for life insurance contracts.

(2) The commissioner's annuity reserve valuation method for life insurance contracts.

(3) Minimum reserves for all other policies or contracts.

New law requires the valuation manual to state the policies or contracts that are subject to the requirements of principle-based valuation.

New law requires, when contracts are subject to a principle-based valuation, that the valuation manual specify the required format for reports to the commissioner and to policies, that assumptions are required to account for risks not within the company's control, and corporate oversight and governance procedures.

New law requires any accident and health insurance contracts issued by an insurance

company to use the minimum standard prescribed in the valuation manual pursuant to present law.

New law requires any health and accident issued on or after July 1, 1948, to use the minimum standard valuation adopted by the commissioner.

(Amends R.S. 22:65, 550.21, 751, and 753)

Stockholder and Policyholder Meetings of Domestic Insurance Companies (ACT 15)

Present law provides that domestic stock insurers shall hold at least one stockholders' meeting annually at a time and place specified in the articles of incorporation or bylaws of the insurer.

New law provides that such meetings may be held by remote means.

Old law provided that each policyholder shall be entitled to one vote on matters coming before corporate meetings of the policyholders, subject to such reasonable minimum requirements as to duration of his policy and amount of insurance held as may be made in the insurer's charter or bylaws.

New law repeals old law and provides that each policyholder shall be entitled to vote on matters coming before corporate meetings of the policyholders, unless the insurer's charter or bylaws provides that the right of a policyholder to vote is subject to reasonable minimum requirements as to duration of the policy or the insurance held, amount of premiums paid, amount of insurance held, or any combination thereof.

New law provides that if a policyholder is entitled to vote on matters coming before corporate meetings of the policyholders, the policyholder shall be entitled to one vote, unless the insurer's charter or bylaws provides otherwise, based on a classification of policyholders as to duration of the policy or insurance held, the amount of premiums paid, amount of insurance held, or any combination thereof.

(Amends R.S. 22:91 and 119)

Surplus Lines Taxes and Reporting (ACT 32)

Present law imposes a tax on the gross premium of surplus lines of insurance for La. home state policyholders. New law expands the imposition of the tax to insurance placed through and directly by La. licensed surplus lines brokers and unauthorized insurers regardless of the covered property, risk, or exposure.

Present law exempts surplus line brokers who are not in possession of any surplus lines from the quarterly surplus line reporting requirement. New law retains present law and requires surplus line brokers to not have other unauthorized insurance premiums to report to be exempted from the quarterly surplus line reporting requirement.

Old law provided that every person placing insurance without a licensed La. producer or surplus lines broker shall transmit a report and remit the tax to the commissioner. New law repeals old law and provides that each policyholder directly placing insurance shall transmit a direct placement tax report to the commissioner and remit the tax payable within 30 days.

New law provides that the commissioner shall prescribe the manner and form of the direct placement tax report.

Present law provides that after the lapse of 30 days, until the report is filed and the delinquent tax paid, the commissioner may revoke the license of the delinquent surplus lines broker to do business in this state. New law retains present law and affords the commissioner discretion to suspend or revoke the license of the delinquent surplus lines broker.

Effective July 1, 2021.

(Amends R.S. 22:439 and 440)

Surplus Line Premium Tax (ACT 342)

Present law requires the Commissioner of Insurance to collect a tax equal to 4.85% of the gross premium for each surplus line of insurance

issued when La. is the home state of the policyholder.

Present law requires 100% of the proceeds collected to be credited to the state general fund.

New law decreases from 100% to 96% the amount of proceeds credited to the state general fund.

New law dedicates the remaining 4% of collected revenues to the La. Fire Marshal Fund.

Effective July 1, 2021.

(Amends R.S. 22:439)

Title Insurer Audits of Title Insurance Producers (ACT 8)

Old law provided that title insurers shall, at least once every three years, conduct an on-site audit of the escrow and settlement practices, escrow accounts, security arrangements, files, underwriting and claims practices, and policy inventory of the producer.

New law retains old law except the requirement that such audits be conducted on-site.

Present law provides that the department may set forth the standards and the form of periodic title insurer audits.

New law specifies that authority to set forth the standards and the form of periodic title insurer audits rests with the commissioner of insurance.

Present law provides that the department may require title insurers to provide a copy of their audit reports to the department.

New law specifies that authority to require title insurers to provide a copy of their audit reports to the department rests with the commissioner of insurance.

(Amends R.S. 22:526)

Investments of Domestic Insurers (ACT 165)

New law repeals and replaces prior law involving investments of domestic insurers.

New law provides numerous definitions for the purposes of new law.

New law requires that insurers engage in investment practices only in accordance with new law in order to qualify as an admitted asset.

New law prohibits the purchase or acquisition of a security or other investment unless it is interest bearing or interest accruing, or dividend or income paying, or eligible for dividends or income, and not in default.

New law allows for investments acquired prior to January 1, 2022, to qualify pursuant to new law as long as those investments would have qualified under new law on the date the insurer acquired or committed to acquire them, subject to certain exceptions.

New law allows for prior-acquired investments or investment transactions described under new law that were executed lawfully to be qualified or permitted under new law.

New law provides for certain powers of the commissioner to regulate the investments and investment practices of domestic insurers pursuant to new law.

New law requires that insurers follow a written investment policy that must meet certain requirements and include certain provisions pursuant to new law, including but not limited to:

(1) The insurer's general investment policy.

(2) Goals and objectives.

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

(4) Professional standards for the individuals making the regular investment decisions.

(5) The types of investments to be made and avoided.

(6) The level of risk appropriate for the insurer.

(7) Evaluation and consideration of general economic conditions, tax consequences of investment, fairness and reasonableness of the terms of an investment, exposure to certain risks, the amount of the insurer's assets, capital and surplus, and other appropriate characteristics, and any other factors relevant as to whether an investment is appropriate.

New law adds a public records exemption for records pertaining to the investment policy and information related to the investment policy that are provided to the commissioner for review pursuant to new law. New law also makes these records exempt from subpoena.

New law requires an insurer's board of directors to oversee whether the insurer's investments have been made in accordance with the guidelines set forth by the board or committee of the board designated with the responsibility to direct the insurer's investments and to ensure that the investment activities and practices are adhering to the insurer's written plan. New law sets forth the requirements the board of directors must adhere to when discharging its duties under new law.

New law outlines what records the insurer must maintain in order to comply with new law.

New law sets forth the reporting requirements and procedures for the valuation of investments.

New law requires that investments under new law not make up more than five percent of the insurer's admitted assets, subject to certain exceptions outlined in new law.

New law authorizes an insurer to acquire certain obligations, including but not limited to obligations guaranteed, issued, assumed, or insured by: the government, a government sponsored enterprise, mortgage-backed securities backed by the federal government, and certain other obligations.

New law provides for the ways in which an insurer may acquire stocks or equity interests in foreign or domestic business entities, subject to the requirements set forth in new law.

New law authorizes an insurer to acquire obligations secured by mortgages pursuant to the requirements of new law.

New law sets forth the guidelines for the acquisition, management, and disposal of real estate by an insurer.

New law provides for the requirements insurers must follow when entering into securities lending, repurchase, reverse repurchase, and dollar roll transactions.

New law allows an insurer to acquire obligations or investments or engage in investment practices with persons under foreign jurisdictions, subject to certain requirements set forth in new law.

New law authorizes an insurer to acquire investments in investment pools, subject to certain criteria as provided for in new law.

New law authorizes an insurer to participate in derivative transactions, provided the insurer meets the conditions under new law.

New law provides that loans upon the pledge of investment are subject to the same limits as to each investment under certain circumstances provided in new law.

New law provides for what assets are admitted assets under new law.

New law provides for additional investment authority of an insurer under certain circumstances.

New law sets forth what investments and loans are prohibited investments under new law.

New law prohibits an insurer from pledging its assets solely to secure a personal loan for the personal benefit of one of the insurer's officers, directors, or employees.

New law provides a prohibition on certain investments for insurers relative to officers and directors as outlined in new law.

New law authorizes insurer investment in a partnership as a general partner, if all other partners in the partnership are subsidiaries of the insurer, but does not prohibit a subsidiary or other affiliate of the insurer from becoming a general partner.

New law provides for the judicial review process when a person is aggrieved by an act of the commissioner relative to new law.

New law repeals prior law pertaining to investments of domestic insurers.

Effective January 1, 2022.

(Amends R.S. 44:4.1(B)(11); adds R.S. 22:601.1-601.21; repeals R.S. 22:581-601)

Deposits by Insurers (ACT 159)

Prior law required that all foreign or alien insurers doing business in Louisiana deposit with the commissioner of insurance a safekeeping or trust receipt, from a bank doing business in Louisiana or savings and loan association chartered to do business in Louisiana, indicating that $100,000 in money or approved bonds of the United States, the state, or any political subdivision of the state has been made subject to approval by the commissioner.

New law removes this deposit requirement and provides that if a deposit in Louisiana is required by another state or jurisdiction as a condition of seeking or maintaining a license or certificate of authority or surplus lines approval in that other state or jurisdiction, an insurer authorized in this state may make the deposit.

New law requires that the insurer give written notification to the commissioner of its intention to make the deposit, the reason for the deposit, and the amount of the deposit to be held and to specifically identify each jurisdiction for which the deposit is required.

New law requires that the deposit be in a bank doing business in this state or a savings and loan association chartered to do business in this state and that it be pledged to the commissioner.

New law requires that deposits be held in trust for the benefit and protection of and as security for all policyholders and creditors of the insurer.

New law authorizes the commissioner, as a condition of the issuance or maintenance of a certificate of authority in Louisiana, to order an insurer to make and maintain a deposit based upon the type, volume, or nature of insurance business transacted.

New law requires that deposits be in the form of money or approved bonds of the U.S., state, or any political subdivision of the state and have a market value of not less than the required amount.

New law requires every insurer making a deposit under new law to provide the commissioner, no later than March 1st of each year, a safekeeping or trust receipt from the bank or savings and loan association holding the deposit confirming the amount of the deposit, identifying the nature of the deposit, and confirming the fact that the deposit is pledged to the commissioner.

Prior law required that the deposit be conditioned only for, and dedicated exclusively to, the prompt payment of all claims arising and accruing to any person by virtue of any policy issued by the insurer upon the life or person of any citizen of the state, or upon any property or other risk situated in the state. Prior law prohibited deposit from being used for the payment of any fee to any attorney, agent, or other person appointed for any services rendered in connection with any ancillary conservation, ancillary receivership, or any other supervisory proceeding or mode involving the company making the deposit.

New law removes the conditions restricting the use of the deposit and provides:

(1) If the insurer desires to withdraw any deposit or a portion of it, the insurer is to make written request to the commissioner for its release.

(2) For deposits made due to requirements in another state or jurisdiction as a condition of licensure or a certificate of authority, the commissioner is to give notice of a withdrawal request to the proper supervisory official of every state for which the deposit is required.

(3) That the commissioner, no less than 30 days after the notice to the other states, must authorize the release of the deposit, unless there is objection from the commissioner or other supervisory official of the state for which the deposit was required.

(4) For deposits held as a condition for issuance or maintenance of a certificate of authority in Louisiana, the commissioner must not release the deposit, unless it is determined that grounds or conditions which led to the order requiring the deposit no longer exist.

(5) If the insurer is placed into rehabilitation or liquidation, any deposit made in Louisiana may be surrendered to the receiver pursuant to an order of the receivership court.

Prior law regarding deposit requirements for foreign and alien insurers, provided exceptions for certain insurers having and maintaining $100,000 unimpaired capital stock, if a stock company, or $100,000 surplus above all liabilities if a mutual company, and maintaining $500,000 in approved securities on deposit with the proper official of its home state, or state of entry if an alien insurer, or with its proper territorial officer if domiciled in a United States territory to secure the payment of any policy claims. New law repeals these provisions.

New law repeals certain provisions regarding withdrawal of any bond or deposit only upon approval by the commissioner.

Prior law required all domestic insurers before receiving a certificate of authority, except those having other specific deposit requirements, to deposit with the commissioner a safekeeping or trust receipt, from a bank doing business within the state or from a savings and loan association chartered to do business in this state, indicating that the insurer has deposited $100,000, or bonds of the United States, the state, or any political subdivision of the state, of the par value of not less than $100,000 or of a value equal to the minimum capital or initial minimum surplus required in order to transact its business, whichever is less. New law repeals this provision.

New law repeals provisions in prior law that have been deleted or made obsolete under new law.

Effective July 1, 2021.

(Amends R.S. 22:801 and 802; repeals R.S. 22:145, 171, 254(A), (B), (D), (E), and (F), 257(A)(9), 332(A)(13), 333(B) and (C), 341(C), 804, 807, and 808)

Notices of Reinstatement (ACT 160)

Present law requires any insurer to give notice when a policy is canceled. Present law requires that notice be given to the insured and to any known person shown by the policy to have an interest in any loss that may occur.

New law adds that if an insurer gives notice of cancellation of a casualty policy and later continues or reinstates the policy, the insurer is required to give notice of reinstatement to any known person shown by the policy to have an interest in any loss that may occur who received the notice of cancellation from the insurer.

Effective January 1, 2022.

(Adds R.S. 22:887(J))

Insurances and Genetic Testing (ACT 242)

New law generally prohibits an insurer offering life and long-term care insurance policies, or annuities contracts including group plans, from considering an individual's or the individual's family member's participation in genetic research for underwriting purposes, unless the results of that genetic research are included in the individual's medical record provided by the individual for consideration by the insurer.

New law prohibits an insurer's request for or receipt of genetic services or clinical research and

prohibits an insurer from requiring or requesting individuals or family members to take a genetic test.

New law prohibits an insurer from cancelling or refusing to renew an existing policy based on the fact that an individual or the individual's family member requested or received genetic services, or on the fact that an individual or the individual's family member participated in genetic research, including clinical research that includes genetic services.

New law prohibits an insurer's purchase of an individual's genetic information without the individual's written consent.

New law, under certain circumstances, does not prevent an insurer from certain actions related to accessing an individual's medical records for application processes, establishing rules for eligibility for enrollment, adjusting premium or contribution amounts, increasing premiums for employers, and considering genetic information relevant to a potential medical condition that impacts mortality or morbidity, when such consideration is based on sound actuarial principles or reasonably expected experience.

Effective August 1, 2021.

(Adds R.S. 22:918)

Physician-Administered Drugs (ACT 50)

New law prohibits a health insurance issuer, pharmacy benefit manager, or their agent from refusing to authorize, approve, or pay a participating provider for providing covered physician-administered drugs and related services to covered persons.

New law prohibits a health insurance issuer, pharmacy benefit manager, or their agent from conditioning, denying, restricting, refusing to authorize or approve, or reducing payment to a participating provider for a physician-administered drug, when all criteria for medical necessity are met, because the participating provider obtains physician-administered drugs from a pharmacy that is not a participating provider in the health insurance issuer's network.

New law requires that the drug supplied meets the supply chain security controls and chain of distribution set forth by the federal Drug Supply Chain Security Act.

New law provides that "participating provider" includes any clinic, hospital outpatient department or pharmacy under common ownership or control of the participating provider.

New law requires payment to a participating provider to be at the rate set forth in the health insurance issuer's agreement with the provider applicable to such drugs. If no rate is included in the agreement, the payment shall be at the wholesale acquisition cost.

New law prohibits a health insurance issuer, pharmacy benefit manager, or their agent from requiring a covered person pay an additional fee, or any other increased cost-sharing amount, in addition to applicable cost-sharing amounts payable by the covered person as designated within the benefit plan, to obtain the physician-administered drug when provided by a participating provider.

New law does not prohibit a health insurance issuer or its agent from establishing differing copayments or other cost-sharing amounts within the benefit plan for covered persons who acquire physician-administered drugs from other providers, nor shall it prohibit a health insurance issuer or its agent from refusing to authorize or approve or from denying coverage of a physician-administered drug based upon failure to satisfy medical necessity criteria.

New law provides that the location of receiving the physician-administered drug is not to be included in the medical necessity criteria.

New law does not prohibit a health insurance issuer from establishing specialty care centers of excellence based on nationally established, objective quality measures, to be utilized by covered persons focused on specific drugs or

types of drugs, to impact the safety, quality, affordability, and expertise of treatment.

New law prohibits a pharmacy benefit manager or person acting on behalf of a pharmacy benefit manager from conditioning, denying, restricting, refusing to authorize or approve, or reducing payment to a pharmacy or pharmacist for providing covered physician-administered drugs and related services to an enrollee. Reimbursement shall be at the rate set forth in the contract between the pharmacy benefit manager or person acting on behalf of a pharmacy benefit manager with the pharmacy or pharmacist applicable to the drugs, or if no rate is included in the agreement, then at the wholesale acquisition cost.

New law prohibits a pharmacy benefit manager from requiring an enrollee to pay an additional fee, higher copay, higher coinsurance, second copay, second coinsurance, or any other increased cost-sharing amount for a physician-administered drug when provided by a pharmacy, pharmacist, clinic, hospital, or hospital outpatient department.

New law requires the commission of any act prohibited by new law to be considered an unfair method of competition and unfair practice or act which shall subject the violator to any and all actions, including investigative demands, private actions, remedies, and penalties as provided in prior law.

Effective upon signature of the governor (June 1, 2021).

(Adds R.S. 22:1020.51-1020.53)

Health Plan Coverage for Mammograms (ACT 45)

Present law requires that health coverage plans which are delivered or issued for delivery in this state include benefits payable for an annual Pap test and minimum mammography examination.

Present law defines "minimum mammography examination" as mammographic examinations, including but not limited to digital breast tomosynthesis, performed no less frequently than the following schedule provides:

(1) One baseline mammogram for any woman who is 35-39 years of age.

(2) One mammogram every 24 months for any woman who is 40-49 years of age, or more frequently if recommended by her physician.

(3) One mammogram every 12 months for any woman who is 50 years of age or older.

New law retains the schedule and provides for earlier screening based on certain criteria of the American Society of Breast Surgeons as follows:

(1) (a) Regarding the single baseline mammogram for women 35-39, provides for annual MRI starting at age 25 and annual mammography starting at age 30, if there is a hereditary susceptibility from pathogenic mutation carrier status or prior chest wall radiation. Requires that the examinations to be in accordance with recommendations by the National Comprehensive Cancer Network guidelines or the American Society of Breast Surgeons Position Statement on Screening Mammography no later than the following policy or plan year following changes in recommendations. (b) Provides for annual mammography (DBT preferred modality) and access to supplemental imaging (MRI preferred modality) starting at age 35 if recommended by the woman's physician and the woman has a predicted lifetime risk greater than 20% by any validated model published in peer reviewed medical literature.

(2) Annual mammography (DBT preferred modality) for any woman who is 40 years of age or older. (a) Consideration given to supplemental imaging, (breast ultrasound initial preferred modality, followed by MRI is inconclusive), if recommended by her physician, for women with increased breast density (C and D density). (b) Access to annual supplemental imaging (MRI preferred modality), if recommended by her physician, for women with a prior history of breast cancer below the age of 50 or with a prior

history of breast cancer at any age and dense breast (C and D density).

New law provides that coverage pertaining to present and new law regarding early screening and detection may be subject to the health coverage plan's utilization review using guidelines published in peer reviewed medical literature.

New law requires a policy, contract, or health coverage plan in effect prior to January 1, 2022, to convert to new law no later than by January 1, 2023.

Effective January 1, 2022.

(Amends R.S. 22:1028)

Health Plan Coverage for Genetic or Molecular Cancer Testing (ACT 43)

New law requires any health coverage plan renewed, delivered, or issued for delivery, in this state to include coverage for genetic or molecular cancer testing, including but not limited to tumor mutation testing, next generation sequencing, hereditary germline mutation testing, pharmacogenomic testing, whole exome, genome sequencing and biomarker testing.

New law provides that coverage may be subject to annual deductibles, coinsurance, and copayment provisions consistent with that established under the health coverage plan and that this coverage may be subject to applicable evidence-based medical necessity criteria under the health plan.

New law defines health coverage plan as any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in the state, including group insurance plans, self-insurance plans, and the office of group benefits programs.

New law excludes a plan providing coverage for excepted benefits in present law, limited benefit health insurance plans, and short-term policies that have a term of less than 12 months.

Applies to health coverage plans renewed, delivered, or issued for delivery in this state on or after January 1, 2022.

Effective January 1, 2022.

(Adds R.S. 22:1028.3)

Midwifery (ACT 182)

New law requires any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for healthcare services provided by a midwife, subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

New law entitles the insured or other beneficiary of benefits under the health coverage plan to reimbursement for services within the lawful scope of practice of a midwife.

New law prohibits a health coverage plan from differentiating between services performed by midwives and physicians with respect to copayments, annual deductible amounts, or coinsurance percentages.

New law prohibits terminology in any health coverage plan policy or contract deemed discriminatory against midwives or the practice of midwifery. New law prohibits terminology that inhibits reimbursement for midwifery services at the in-network rate.

New law creates the Louisiana Doula Registry Board, outlines legislative findings, and details the Board’s purpose, composition, and duties. New law authorizes the Board to create subcommittees composed of certain persons who may not be board members or voting members.

New law requires the Board to review applications for doulas registering to receive

health insurance reimbursement in the state of La., approve or deny such applications, notify applicants of approval or denial of doula registration status, and maintain a statewide registry of doulas approved for health insurance reimbursement in this state.

New law authorizes a doula to practice in this state regardless of whether the doula is registered with the Board.

New law requires regional representatives of the Board to be appointed from the regions specified on a certain map provided by the La. Dept. of Health (LDH).

New law requires LDH to provide support staff to the Board.

New law requires a policy, contract, or health coverage plan to convert to the provisions of new law by Jan. 1, 2023.

Effective January 1, 2022.

(Adds R.S. 22:1059 and 1059.1)

Health Insurance Coverage Modification (ACT 217)

Prior law authorized a health insurance issuer to modify the health insurance coverage for a policy form offered to a group health plan or to individuals in the individual market if certain conditions are met, including that the insurer notifies each individual or group no later than the 60th day before the modification is effective.

New law retains prior law, but as to the notification requirement, modification of drug coverage is allowed at any time as to a drug increasing over $300 per prescription or refill with an increase in the wholesale acquisition cost of at least 25% in the prior 365 days, provided that 30-day notice of the modification of coverage is given.

New law requires that the 30-day notice of modification of coverage include information on the issuer's process for an enrollee's physician to request an exception from the issuer's modification of drug coverage for purposes of continuity of care of the patient.

Prior law prohibits the issuance, delivery, issuance for delivery, or renewal of, or execution of a contract for a health benefits policy or plan that denies a pharmacy or pharmacist the right to participate as a contract provider of pharmaceutical services or pharmaceutical products under the policy or plan, or under a pharmacy network established by the policy or plan, if the pharmacy or pharmacist meets certain conditions.

New law limits the prohibition to pharmacies licensed and physically located in the state as well as pharmacists licensed in this state.

Effective August 1, 2021.

(Amends R.S. 22:1068, 1074, and 1964)

Dental Referral Plans (ACT 86)

Prior law provided for the regulation of dental referral plans, including procedures for registration, expiration and renewal of registration, rules, fees, and penalties.

New law repeals all of the provisions regulating dental referral plans.

Effective August 1, 2021.

(Repeals R.S. 22:1161-1167)

Dental Network Leasing Act (ACT 26)

New law authorizes a contracting entity to grant a third party access to a provider network contract or a provider's dental services or contractual discounts if certain contractual requirements are met.

New law requires the contract to specifically state that the contracting entity may contractually allow a third party to obtain the contracting entity's rights and responsibilities as if the contracting entity and the third party are one.

New law requires that if the contracting entity is a dental carrier, the carrier shall have chosen to participate in third-party access at the time the provider network contract was entered into or renewed and, for contracts with dental carriers, a dentist may opt not to participate in third-party access.

New law requires that if the contracting entity is an insurer, the third-party access provision of any provider network contract shall also specifically state that the contract grants third-party access to the provider network.

New law requires the third party accessing the contract to comply with all terms of the provider network contract.

New law requires the contracting entity to provide written or electronic notification to the provider of all third parties in existence as of the date of the contract.

New law requires the contracting entity to identify all third parties in existence in a list on its internet website at least once every 90 days.

New law requires the contracting entity to notify network providers in writing or electronic form that a new third party is leasing or purchasing the network at least 30 days prior to the relationship taking effect.

New law requires the contracting entity to cause a third party to identify the source of the discount on all remittance advices or explanations of payment under which a discount is taken. This provision of new law does not apply to electronic transactions mandated by the HIPAA Act of 1996.

New law requires the contracting entity to notify the third party of termination of a provider network contract no later than 30 days from the termination date with the contracting entity.

New law provides that the third party's right to a provider's discounted rate ceases as of the termination date of the provider network contract.

New law requires the contracting entity to make available a copy of the provider network contract relied on in the adjudication of a claim to a participating provider within 30 days of a request from the provider.

New law requires a dental carrier to allow any provider which is part of the carrier's provider network to opt not to participate in third-party access to the contract or to enter into a contract directly with the health insurer that acquired the provider network. New law prohibits a contracting entity from canceling or otherwise ending a contractual relationship on the basis that a provider opts out of a lease arrangement. New law requires a contracting entity to accept a qualified provider even if a provider rejects a network lease option. These provisions of new law do not apply to a contracting entity that is not a health insurer or dental carrier.

New law provides that a provider is not bound by or required to perform dental treatment or services per the terms of a provider network contract that has been granted to a third party in violation of new law.

New law does not apply if access to a provider network contract is granted to a dental carrier or an entity operating in accordance with the same brand licensee program as the contracting entity or to an entity that is an affiliate of the contracting entity, or if the provider network contract for dental services is provided to beneficiaries of state-sponsored Medicaid and LaCHIP programs.

New law prohibits waiver of contractual provisions. Any contractual arrangement in conflict with new law or that purports to waive any requirement is of no effect.

(Adds R.S. 22:1171 and 1172)

Storms and Deductibles (ACT 164)

New law provides that for all authorized property insurance policies and authorized commercial multiperil insurance policies issued or renewed by an authorized insurer on or after August 1, 2021, any separate deductible that applies in place of any other deductible to direct physical

loss or damage resulting from a named storm or hurricane shall be applied on an annual basis to all named storm or hurricane losses that are subject to the separate deductible during the calendar year.

New law permits an insurer to apply a deductible to the succeeding named storm or hurricane that is equal to the remaining amount of the separate deductible, or the amount of the deductible that applies to all perils other than a named storm or hurricane, whichever is greater, if an insured suffers direct physical loss or damage resulting from a named storm or hurricane losses from more than one named storm or hurricane during a calendar year that are subject to the separate deductible referred to in new law.

New law provides that an insured is subject to a new named storm or hurricane deductible under the new or renewed insurance policy, if the insured pays a named storm or hurricane deductible for a covered loss as provided in new law but changes insurance companies during the calendar year for the previously claimed property or renews a policy that includes a different deductible.

Effective August 1, 2021.

(Adds R.S. 22:1267.1)

Policy Limits and Attorney Fees (ACT 225)

New law prohibits reduction of the liability limits contained in a policy or contract of insurance due to the expenses of defense in a suit under the policy, unless the commissioner of insurance executes a written waiver authorizing the reduction.

New law applies to the following types of insurance: all personal lines, medical malpractice, commercial vehicle, and commercial general liability.

New law requires waiver of the prohibition for the following types of insurance: professional liability other than medical malpractice, directors' and officers' liability, errors and omissions liability, pollution liability, employment practices liability, cyber risk liability, commercial multiple peril liability, information security and privacy liability, patent defense or other intellectual property infringement liability, and commercial liability coverages sold in combination.

New law authorizes waiver of other types of insurance not listed upon consideration by the commissioner of insurance of the level of market competition, the nature and design of the product, the availability of insurance coverage, and other relevant factors.

New law requires that every policy or contract for which a waiver is executed be subject to the following requirements:

(1) Expenses used to reduce the liability limits must not include overhead costs, adjusting expenses, or other expenses incurred by the insurer in the ordinary course of business.

(2) Expenses used to reduce the liability limits must only include reasonable attorney fees and expenses directly connected to the insurer's defense of a specific liability claim on behalf of an insured and other litigation expenses directly arising from the defense of the claim.

(3) Expenses are not to exhaust the entire amount of liability coverage.

New law authorizes the commissioner to:

(1) Limit the amount of defense expenses used to reduce the liability limits or establish a minimum amount of liability coverage from which defense expenses cannot be deducted.

(2) Limit or define the amount of expenses that reduce the liability limits for all or specific type of insurance coverage.

New law provides that any insurance policy or contract that requires a waiver as provided in new law shall include a separate notice or inclusion on the declaration page stating that the policy or contract includes defense expenses which may be deducted from the liability limits. New law requires that notice to be prominently printed or

stamped in bold on the policy or contract and shall not be less than a 10-pt. type.

Effective August 1, 2021.

(Adds R.S. 22:1272)

Residential Flood Insurance (ACT 77)

New law shall not apply to commercial lines insurance and surplus lines insurance.

New law provides that the La. Citizens Property Insurance Corporation shall not provide residential flood coverage.

New law provides that insurers providing residential flood coverage shall do all of the following:

(1) Notify the commissioner at least 30 days before writing residential flood coverage in this state.

(2) File a plan of operation, financial projections, and any revisions of such with the commissioner.

(3) Note the residential flood coverage premiums, deductibles, and policy limits prominently on the policy declarations page.

(4) Notify the commissioner in writing at least 60 days prior to the market end date of residential flood coverage and to advise regarding all of the following:

(a) When an approved policy form will no longer be marketed in this state.

(b) When an approved policy form will be permanently withdrawn from this state.

(c) Whether or not residential flood coverage issued in this state under a discontinued or withdrawn policy form shall remain in force.

(d) Whether existing residential flood coverage issued in this state under a discontinued or withdrawn policy form shall continue to be renewed.

(e) The policy form numbers being discontinued or withdrawn and the dates of original approval.

New law provides that in addition to excess flood insurance, insurers may issue any of the following types of residential flood coverage:

(1) Standard flood coverage.

(2) Preferred flood insurance, which shall include the same coverage as standard flood insurance, losses from water intrusion originating from outside the structure that are not otherwise covered by flood damage, coverage for additional living expenses, and a requirement that any loss under personal property be adjusted only on the basis of replacement costs up to the policy limits.

(3) Customized flood insurance, which includes coverage that is broader than the coverage provided under standard flood insurance.

(4) Flexible flood insurance, which covers losses from the peril of flood.

(5) Supplemental flood insurance, which may provide coverage designed to supplement a flood policy obtained from the National Flood Insurance Program or from an insurer issuing standard or preferred flood insurance.

New law authorizes insurers writing residential flood policies to issue flood insurance that covers losses from the peril of flood using a definition of "flood" other than that provided in new law and authorizes the use of terms and conditions other than those specified in new law.

New law provides that insurers offering private flood insurance may continue using policy forms filed and approved before January 1, 2022.

New law provides that insurers writing residential flood coverage shall establish flood coverage rates in accordance with present law, and if filed with the commissioner before January 1, 2027, the following shall apply:

(1) An insurer may establish and use rates in accordance with the rates, rating schedules, or

rating manuals filed by the insurer with the commissioner.

(2) Rates established pursuant to this new law are not subject to present law.

(3) Within 30 days after the effective date of the change, the insurer shall notify the commissioner of any change to previously established rates and of the average statewide percentage change in rates.

(4) Actuarial data shall be maintained by the insurer for two years after the effective date of the rate change and is subject to examination by the commissioner.

(5) If the commissioner determines that a rate is excessive or unfairly discriminatory, the commissioner shall require the insurer to provide appropriate credit to affected policyholders and an appropriate refund to affected former policyholders.

New law provides that a producer shall provide written notice to be signed by the applicant before the producer places residential flood coverage with an authorized or surplus lines insurer for a property receiving flood coverage from the National Flood Insurance Program.

New law provides that notice shall inform the applicant of the following:

(1) Coverage under the National Flood Insurance Program is provided at a subsidized rate.

(2) If an applicant discontinues coverage under the National Flood Insurance Program, the full risk rate may apply to the property.

New law provides that if an applicant does not have flood coverage, a producer shall inform the applicant of the National Flood Insurance Program.

New law provides that insurers writing standard flood insurance policies, preferred flood insurance policies, customized flood insurance policies, flexible flood insurance policies, or residential flood insurance policies using a different definition of "flood" than that in new law, or residential flood insurance policies with terms and conditions other than those described in new law, shall certify on the declarations page of the policy in bold typed print of at least 14 point font whether the policy meets the definition of "private flood insurance" in 42 U.S.C. 4012a(b)(7) and whether the policy provides at least the coverage provided in the standard flood insurance policy under the National Flood Insurance Program.

Effective Jan. 1, 2022.

(Adds R.S. 22:1341-1346)

Insurance Discounts for Wind Protection (ACT 30)

Present law provides that any insurer required to submit rates and rating plans to the commissioner of insurance shall provide an actuarially justified discount, credit, rate differential, adjustment in deductible, or any other adjustment to reduce the insurance premium to insureds who build or retrofit a structure to comply with the requirements of the State Uniform Construction Code.

New law adds that insurers required to submit rates and rating plans to the commissioner shall comply with the requirements of the State Uniform Construction Code or the Insurance Institute for Business and Home Safety.

New law provides that after July 1, 2022, all insurers required to submit rating plans to the commissioner may, if actuarially justified, provide credits and discounts in compliance with the fortified home and fortified commercial standards created by the Insurance Institute for Business and Home Safety.

New law provides that any homeowner currently receiving discounts under present law may opt to maintain discounts offered prior to July 1, 2022, so long as the homeowner continues to meet the requirements to maintain such discounts, in lieu of the discount provided in present law.

New law provides that to obtain a credit or discount provided in new law, any insurable property located in this state may be certified as constructed in accordance with the fortified home or fortified commercial standards provided by the Insurance Institute for Business and Home Safety.

New law provides that an insurable property shall be certified as in conformance with the fortified home or fortified commercial standards only after inspection and certification by an Insurance Institute for Business and Home Safety certified inspector.

New law provides that an owner of insurable property claiming a credit or discount shall maintain and provide certification records and construction records for which it seeks a discount.

New law provides that an owner of insurable property claiming a credit or discount shall maintain the Insurance Institute for Business and Home Safety certification documents. The certification shall be presented to the insurer or potential insurer of a property owner before the adjustment becomes effective for the insurable property, along with any other necessary records.

New law provides that the credit or discount shall apply only to policies that provide wind coverage and may apply to the portion of the premium for wind coverage or to the total premium, if the insurer does not separate out the premium for wind coverage in the rate filing.

New law provides that the records required in new law are subject to audit by the commissioner.

New law does not prohibit insurers from offering additional adjustments in deductible, other credit rate differentials, or a combination thereof.

New law specifies that for the purposes of new law, insurable property shall include single-family residential property, commercial property, modular homes, and manufactured homes that may be retrofitted.

(Amends R.S. 22:1483)

Pharmacy Benefit Management; Enrollee Cost-Sharing (ACT 431)

Prior law defined "pharmacy benefit manager" as a person, business, or other entity and any wholly or partially owned or controlled subsidiary of the entity, that administers a pharmacy benefit management plan.

New law adds that for the definition of "pharmacy benefit manager", the management or administration of a benefit plan may include review, processing of drug prior authorization requests, adjudication of appeals and grievances related to the prescription drug benefit, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

New law provides for fairness in enrollee cost-sharing.

New law provides that when calculating an enrollee's contribution to any applicable cost-sharing requirement, a health insurance issuer shall include any cost sharing amounts paid by the enrollee or on behalf of the enrollee by another person.

New law provides that in implementing the requirements of new law, the state shall regulate a health insurance issuer only to the extent permissible under applicable law.

Effective upon signature of the governor (June 21, 2021).

(Amends R.S. 22:1641; adds R.S. 22:976.1)

Pharmacy Services Administrative Organization (ACT 192)

New law requires a pharmacy services administrative organization (PSAO) operating within the state of La. to be registered and licensed with the Dept. of Insurance by submission of an application and registration fee to the commissioner of insurance.

New law requires a PSAO to file an annual report, and sets a $300 licensing fee and a $150 annual report filing fee.

New law prohibits a person from acting as a PSAO in this state without a valid license issued by the commissioner.

New law requires a PSAO's application for licensure to include certain documents and pertinent information. New law authorizes the commissioner, upon his request, to inspect copies of certain contracts to determine qualification for licensure, and to deny or revoke a license for certain cause.

New law provides for a license to remain valid as long as the PSAO continues business in this state and remains in compliance with new law.

New law exempts a PSAO from La. licensure requirements when certain out-of-state conditions apply.

New law requires a PSAO to notify the commissioner of any material changes in fact or circumstance relative to its license qualification.

New law requires the commissioner to suspend, revoke, or deny the license of a PSAO, or to impose a fine for violations not in excess of $500 per violation, when the PSAO has failed to timely pay a judgment rendered against it.

New law authorizes the commissioner to suspend, revoke, or deny the license of a PSAO or impose a fine for certain other violations.

New law authorizes the commissioner to access the books and records maintained by a PSAO for the purposes of examination, audit, and inspection, and authorizes the commissioner to cause an examination of a PSAO, when deemed necessary.

New law requires the commissioner to keep any trade secrets contained in books and records confidential; however, the commissioner may use such information in any proceeding instituted against the PSAO.

New law requires information provided to the commissioner by a PSAO and certain terms and contracts between certain parties to remain confidential. This information is not subject to subpoena and is not public information, except it may be provided to insurance departments in other states for certain purposes.

New law obligates the duties of care, competence, good faith, fair dealing, and loyalty to be performed by a PSAO that contracts with a pharmacy as its agent or to perform activities related to prescription drug benefits.

New law provides that a PSAO is not responsible for activities solely within the purview of a pharmacy benefits manager.

New law requires the commissioner to promulgate rules to define roles and responsibilities solely within the purview of pharmacy benefits managers and PSAOs.

New law requires a PSAO to notify a contracted pharmacy in writing of any activity, policy, or practice that presents a conflict of interest that interferes with the duties imposed in new law.

New law prohibits a PSAO from engaging in any acts, methods, or practices prohibited as unfair trade practices in the La. Insurance Code.

New law creates an exception to Public Records Law.

Effective August 1, 2021.

(Adds R.S. 22:1660.1-1660.9)

Claims Adjusters (ACT 402)

Present law provides for certain standards of conduct for claims adjusters, including:

(1) An adjuster shall not permit an unlicensed employee or representative to conduct business for which a license is required.

(2) An adjuster shall not have a financial interest in any aspect of the claim, other than the salary, fee, or other consideration established with the insurer.

(3) An adjuster shall not acquire any interest in salvage of property subject to the contract with the insurer.

(4) An insurer shall not solicit employment for any attorney, contractor, or subcontractor in connection with any loss the adjuster is concerned or employed.

(5) An adjuster shall not solicit or accept compensation from any contractor or subcontractor on behalf of any insured for which the adjuster is employed.

(6) An adjuster shall not undertake the adjustment of any claim if the adjuster is not competent or knowledgeable.

(7) An adjuster shall not knowingly make a material misrepresentation intended to injure any person engaged in the business of insurance.

(8) An adjuster shall not represent or act as a public adjuster.

(9) An adjuster shall not materially misrepresent the terms and coverage of an insurance contract to an insured for the purpose of effecting settlement of a claim on less favorable terms than those provided in the insurance contract.

New law repeals present law.

New law provides standards of conduct for claims adjusters, including:

(1) An adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, or other consideration established with the insurer.

(2) An adjuster shall not acquire any interest in salvage of property subject to the contract with the insurer.

(3) An adjuster shall not solicit employment for, recommend, or otherwise solicit engagement for any attorney, contractor, or subcontractor, in connection with any loss or damage for which the adjuster is employed or concerned.

(4) An adjuster shall not solicit or accept any compensation from, by, or on behalf of any contractor or subcontractor engaged by or on behalf of any insured by which such adjuster has been, is, or will be employed or compensated.

(5) An adjuster shall treat all claimants fairly.

(6) An adjuster shall not approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

(7) An adjuster shall make truthful and unbiased reports of the facts after completing a thorough investigation.

(8) An adjuster shall handle every adjustment and settlement with honesty and integrity.

(9) An adjuster shall act with due diligence in achieving a proper disposition of the claim.

(10) An adjuster shall promptly report violations of any provision of the Insurance Code.

(11) An adjuster shall exercise appropriate care when dealing with elderly claimants.

(12) An adjuster shall not negotiate or effect settlement with any third-party claimant represented by an attorney, except with the consent of the attorney.

(13) An adjuster shall avoid any suggestion calculated to induce a witness to suppress or deviate from the truth.

(14) An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel to protect the claimant's interest.

(15) An adjuster shall not knowingly make any oral or written misrepresentation or statement in regards to applicable policy provisions, contract conditions, or pertinent state laws.

(16) An adjuster shall not undertake the adjustment of any claim that exceeds the adjuster's current expertise.

(17) An adjuster shall not permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required under this Part.

(18) An adjuster shall not act as a public adjuster.

(19) An adjuster shall not materially misrepresent to an insured or other interested party the terms and coverage of an insurance contract.

New law requires claims adjusters to read and acknowledge the claims adjuster standards of conduct upon license issuance and upon license renewal.

New law provides that violation of the claims adjuster standards and conduct shall constitute grounds for administrative action against the licensee and constitute an unfair trade practice.

Present law provides that a person employed only to furnish technical assistance to a licensed adjuster, including but not limited to an investigator, an attorney, an engineer, an estimator, a handwriting expert, a photographer, and a private detective, is exempt from the present law provisions of Part IV of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950 regarding claims adjusters.

New law adds that all persons employed by or contracted with an insurer and exempted under present law are subject to the good faith duties as relates to good faith duties and claims settlement practices in the Insurance Code.

New law provides violations of new law does not create any civil action, create or support any cause of action, or establish any penalty not otherwise provided in new law.

(Amends R.S. 22:1662(3); Adds R.S. 22:1674.1; repeals R.S. 22:1674)

Ventilator Coverage and Reimbursement (ACT 379)

New law prohibits an insurer, managed care company, or other payor from setting a maximum dollar amount of reimbursement for non-invasive ventilators or ventilation treatments properly ordered and being used in an appropriate care setting.

New law provides with respect to the Centers for Medicare and Medicaid Services' (CMS) classification of ventilators.

New law requires a durable medical equipment (DME) supplier to provide a patient with regular and comprehensive service and preventative maintenance by a certified or registered respiratory therapist, including but not limited to masks, tubing, tracheotomy supplies, filters, and other supporting supplies and equipment.

New law requires reimbursement to be at a rate negotiated with the payors to insure that a sustained level of service can be provided to the patient.

New law requires an insurer, managed care company, subcontractor, third-party administrator, or other payor to reimburse DME suppliers for home use non-invasive and invasive ventilators on a continuous monthly payment basis for the duration of medical need throughout a patient's valid prescription period.

Effective August, 1, 2021.

(Adds R.S. 22:1821(G))

Health Insurance Claims, Payments and Fees (ACT 434)

New law requires that if, during the time a health insurance issuer conducts a review or audit for purposes of reconsidering the validity of a claim filed with the issuer, a health care provider submits a request either orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the health care provider and the health insurance issuer at no cost to the healthcare provider, within two business days of the request. New law allows electronic access to the documentation.

New law provides that any health insurance plan, except the La. Medicaid Program, that was

issued, amended, or renewed on or after January 1, 2022, shall not restrict the method of payment from the health insurance issuer or its vendor to the health care provider, where the only acceptable method for healthcare services rendered requires the health care provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the health insurance issuer.

New law requires a health insurance issuer initiating or changing payments to a healthcare provider using electronic funds transfer payments (i) to notify a health care provider if any fees are associated with a particular payment method, (ii) to advise the provider of the available methods of payment, and (iii) to provide instructions to the healthcare provider as to how to select an alternative payment method that does not require payment of a transaction fee, provider subscription fee, or any other type of fee or cost to accept payment from the health insurance issuer.

New law provides that violations of new law are deemed unfair methods of competition and subject to provisions regarding unfair or deceptive acts or practices according to prior law and such violations of new law cannot be waived by contract.

New law also applies to the Medicaid managed care organizations.

Effective August 1, 2021.

(Adds R.S. 22:1828 and 1964(30) and R.S. 46:460.75)

Health Insurer and MCO Credentialling (ACT 79)

Present law requires, under certain circumstances, a health insurance issuer or MCO to pay the contracted reimbursement rate for covered services rendered by a new provider who has not yet been credentialed, when the contracted health care group bills the respective issuer or MCO using a group identification number and the following circumstances apply:

(1) The new provider has already been credentialed by the health insurance issuer or MCO and the provider's credentialing is still active with the issuer or MCO.

(2) The health insurance issuer or MCO has received the required credentialing application, including proof of active hospital privileges, from the new provider and the issuer or MCO has not notified the provider group that the new provider's credentialing has been denied.

New law retains present law but makes the following modifications:

(1) Requires a health insurance issuer or MCO to consider a new provider as an in-network or participating provider for the purposes of utilization management or prior authorization processes required by the issuer for that provider group or MCO.

(2) Removes the requirement for a new provider to submit proof of active hospital privileges; rather, new law requires proof of membership on a hospital medical staff.

New law provides that if a new provider is an advanced practice registered nurse or a physician assistant licensed in the state of La., proof of membership on a hospital medical staff is not required if such provider submits a written attestation identifying the collaborating or supervising physician, if a physician relationship is required by law.

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

(Amends R.S. 22:1874 and R.S. 46:460.62)

Property Insurance Claims Settlement Practices (ACT 344)

New law provides that an insurer shall issue a copy of the insurer's field adjuster report, relative to the insured's property damage claim, to the insured within 15 days of receiving a request for such from the insured.

Present law provides that failure to make payment within 30 days after receipt of such satisfactory written proofs and demand therefor, or failure to make a written offer to settle any property damage claim, within 30 days after receipt of satisfactory proofs of loss of that claim, or failure to make such payment within 30 days after written agreement or settlement, shall subject the insurer to a penalty of 50% damages on the amount found to be due from the insurer to the insured, or $1,000, whichever is greater, or in the event a partial payment or tender has been made, 50% of the difference between the amount paid or tendered and the amount found to be due, as well as reasonable attorney fees and costs.

New law adds that in cases of a presidentially or gubernatorially declared disaster, failure to make payment on a claim or make a written settlement offer within 30 days of receiving proof and demand for such, when such failure is arbitrary, capricious, or without probable cause, shall subject the insurer to a penalty of 50% damages on the amount found to be due or $2,500, whichever is greater.

New law provides that in the case of a presidentially or gubernatorially declared disaster, if a partial payment on a claim has been made, the insurer shall pay a penalty to the insured in the amount of 50% of the difference between the amount paid and the amount due, as well as reasonable attorney fees, or $2,500, whichever is greater.

New law provides that the penalties in new law, if awarded, shall not be used by the insurer in computing past or prospective loss experience for the purpose of setting rates or making rate filings.

(Amends R.S. 22:1892)

Property Claims Settlement Practices (ACT 345)

New law provides that insurance policies covering damaged property and allowing for depreciation must provide notice that depreciation may be deducted, and if depreciation is applied, the insurer shall provide a written explanation as to how the depreciation was calculated.

New law requires that depreciation be reasonable and based on a combination of objective criteria and subjective assessment, including the actual condition of the property prior to the loss.

New law prohibits insurers from requiring that repairs, replacement, restoration, or remediation be made to an insured's property by a particular preferred vendor or recommended contractor when making payment on a residential or commercial property claim.

New law prohibits insurers from recommending the use of a particular preferred vendor or recommended contractor without informing the insured or claimant that the insured or claimant is under no obligation to use the preferred vendor or recommended contractor to complete repairs, replacement, restoration, or remediation of the insured's property.

New law provides that in the adjustment or settlement of first-party losses under fire and extended coverage policies, insurers are required to include general contractors' overhead and profit in payments for losses when the services of a general contractor are reasonably foreseeable.

New law provides that the deduction of prospective contractor overhead, prospective contractor profit, and sales tax in determining the actual cash value of an adjustment or settlement is not allowed on replacement cost policies or on actual cash value policies.

New law provides a mediation process through appraisal for situations in which the insurer and insured disagree on the amount of a loss.

New law provides model language for the appraisal provision required in residential property insurance policies beginning Jan. 1, 2022.

New law provides that if an insured files a lawsuit relative to a residential property policy in which there is a dispute in the amount of a loss prior to a demand for appraisal, the lawsuit will be held in

abatement until the execution of an appraisal award.

Effective August 1, 2021.

(Adds R.S. 22:1892)

La. Life and Health Insurance Guaranty Association (ACT 19)

Present law provides an exception for any member insurer that is insolvent, impaired, or unable to fulfill its contractual obligations. New law extends the exception to:

(1) Any subsidiary of an insurer and an insurance holding company system or its directly or indirectly related agent, affiliate, or other entity unable to fulfill its contractual obligations before Sept. 30, 1991.

(2) Any health maintenance organization unable to fulfill its contractual obligations before Aug. 1, 2018.

New law specifies that present and new law apply prospectively to govern liability for assessments, offsets, refunds, and other matters relating to insurers not specified in new law.

(Amends R.S. 22:2084 and 2099)

Life Insurance Policies Database (ACT 28)

Old law required the Dept. of Insurance to maintain a central database of electronic contact information for life insurers having policies in force in this state, authorized the decedent's immediate family members to file with the Dept. a written request to search the central database if the decedent was a state resident or former resident, and required the Dept. to transmit any such request to life insurers having policies in force in this state, along with information necessary for responding directly to the person filing the request. New law repeals old law.

Effective July 1, 2021.

(Repeals R.S. 22:2261)

Dental Insurance Plans (ACT 89)

Prior law provided for internal claims and appeals processes and external review of insurance claims and under the Health Insurance Issuer External Review Act provided uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination on an insurance claim.

Prior law defined "health benefit plans" which are subject to prior law and excluded certain excepted benefits and short-term policies that have a term of less than 12 months from the definition of "health benefit plans".

New law removes dental insurance plans from the exclusion and provides that they are subject to provisions of the Health Insurance Issuer External Review Act.

New law limits the application of prior law to external review or adverse determinations related to individual dental insurance claims that are greater than $250.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 22:2392) and 2393)

TITLE 23: LABOR AND WORKERS' COMPENSATION

Criminal History Checks by Employers (ACT 406)

New law provides that, unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.

New law provides that when considering other types of criminal history records, an employer shall make an individual assessment of whether an applicant's criminal history record has a direct and adverse relationship with the specific duties

of the job that may justify denying the applicant the position.

New law provides that when making the individual assessment, an employer shall consider all of the following:

(1) The nature and gravity of the offense or conduct.

(2) The time that has elapsed since the offense, conduct, or conviction.

(3) The nature of the job sought.

New law provides that upon written request by the applicant, an employer shall make available to the applicant any background check information used during the hiring process.

Effective August 1, 2021.

(Adds R.S. 23:291.2)

Pregnancy, Childbirth, and Related Medical Conditions (ACT 393)

New law makes it an unlawful employment practice for an employer to fail or refuse to make reasonable accommodations for an applicant or employee with covered limitations, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business.

New law provides that an employer is not required to make certain provisions for an employee due to pregnancy, childbirth, or other related medical condition, if the employer would not make the same provisions for other employees similarly situated.

Present law provides that pregnancy, childbirth, and related medical conditions are to be treated as any other temporary disability, with the employer being relieved of any responsibility to provide a female employee disability leave for a period exceeding six weeks following a normal pregnancy, childbirth, or related medical condition.

New law adds the caveat that pregnancy-related medical conditions do not have to meet any definition of disability to trigger an employer's obligation to provide reasonable accommodations under new law.

New law provides that a "reasonable period of time" to be given for a pregnancy, childbirth, or related medical conditions means six weeks or a period of time not to exceed four months. New law provides that the employee shall be entitled to utilize any accrued annual leave during that period.

Prior law provided that it is an unlawful employment practice for any employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position, per the female employee's request and with the advice of her physician, if the transfer can be reasonably accommodated. New law removes prior law.

New law provides that the terms defined in new law are to be construed in accordance with federal laws regarding disability, and based on pregnancy, childbirth, and related medical conditions.

New law requires employers to provide written notice to new and existing employees of their discretionary power to accommodate the medical needs of an employee, known to the employer, arising from pregnancy, childbirth, lactation, postpartum, or related medical conditions.

Effective August 1, 2021.

(Amends R.S. 23:341 and 342; adds R.S. 23:341.1)

Employment under AbilityOne Program (ACT 194)

Present law provides that for the purpose of present law, the term "employment" does not apply to service performed in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative

work for individuals who because of their impairment cannot readily compete in the labor market.

New law provides for an exception that states that an individual's employment shall be considered employment under present law if the individual's employment is defined as employment under present law and the individual is performing work under the AbilityOne Program or a successor program under federal law.

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

(Amends R.S. 23:1472)

Unemployment Compensation (ACT 276)

Prior law provided that the administrator of the La. Workforce Commission shall apply the proper procedure found in existing law to the next calendar year beginning January 1st for maximum dollar amount of "wages", maximum weekly benefit amount, with any applicable discounts under existing law, and the formula for computation of benefits.

New law provides that the administrator shall apply the proper procedure found in existing law to the next calendar year beginning January 1st for maximum dollar amount of "wages", the maximum weekly benefit amount, with any applicable discounts under existing law, and publish annually the formula for computation of benefits.

Existing law provides a table with parameters for determining the maximum dollar amount of "wages", the formula for computing benefits, and the maximum weekly benefit amount based on the unemployment trust fund balance range.

Prior law provided the calculation for the formula for computation of benefits found in the table in existing law, which applied existing law without the 7 % discount found in existing law and then multiplied by 1.05% and then multiplied such amount by 1.03%.

New law deletes the multiplication portion of the formula calculation.

Prior law established the procedure which the administrator applied to determine the maximum weekly benefit amount.

(1) Procedure 1: If the applied trust fund balance was less than $750 million, the maximum benefit amount was $221.

(2) Procedure 2: If the applied trust fund balance was equal to or greater than $750 million but less than $1.15 billion, the maximum weekly benefit amount was $247.

(3) Procedure 3: If the applied trust fund balance was equal to or greater than $1.15 billion but less than $1.4 billion, the maximum benefit amount was $258.

(4) Procedure 4: If the applied trust fund balance was greater than $1.4 billion, the maximum benefit amount was $284.

New law changes Procedure 1 by increasing the weekly maximum benefit amount from $221 to $249.

New law changes Procedure 2 by increasing the weekly maximum benefit amount from $247 to $275.

New law changes Procedure 3 by increasing the weekly maximum benefit amount from $258 to $282.

New law changes Procedure 4 by increasing the weekly maximum benefit amount from $284 to $312.

Prior law provided that in no event shall the weekly amount paid exceed $284.

New law increases the weekly benefit amount from $284 to $312.

Prior law provided that if a claimant was eligible to receive any federal disaster unemployment assistance in addition to the maximum weekly benefit amounts established in existing law, then

the claimant, when filing a claim for state unemployment compensation benefits, would be required to withhold state income taxes at the time the claim was filed.

New law changes the mandatory requirement that the claimant shall withhold state income taxes at the time the claim is filed to the claimant may elect to withhold state income taxes at the time the claim is filed.

New law provides that new law shall become effective on the January 1st immediately following the ending of the federal supplemental program as certified by the administrator of Louisiana Workforce Commission.

Effective January 1, 2022.

(Amends R.S. 23:1474, 1592, and 1693)

Unemployment Taxes and Benefits (ACT 91)

Present law provides for unemployment compensation as a joint federal-state program with the cost of benefits financed by state payroll taxes under State Unemployment Tax Acts (SUTA). Present law provides that revenue collected through Louisiana's SUTA are deposited into the state's unemployment trust fund.

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.

(3) The formula for calculating unemployment benefits for a qualified unemployed worker based upon that worker's past wages.

Prior law provided 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 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.

Prior law provided that the Procedure to be used for the following calendar year is to be based on the applicable fund balance range. Prior law required the Revenue Estimating Conference to meet every September to adopt its official projection of the state's unemployment trust fund balance for September first of the next calendar year and report such to the secretaryof the La. Workforce Commission. Prior law then required the secretary, using the lower amount of the actual balance in the La. Unemployment Trust Fund account on September first and the amount of the balance in La. Unemployment Trust Fund projected by the Revenue Estimating Conference for the following September first, to apply the Procedure associated with the appropriate balance range in the prior law chart to set the taxable wage base, the minimum weekly benefit,

and formula for calculating benefits for the next calendar year.

Prior law required the secretary to apply Procedure 2 for calendar year 2021.

New law provides that notwithstanding any other provision of prior law, the secretary shall apply Procedure 2 for calendar year 2022.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 23:1474)

Unemployment Compensation (ACT 316)

Existing law provides that if, at the computation date in any year, the unemployment trust fund balance, including all monies in the benefit transfer account, exceeds a specific dollar amount, a specific reduction in contributions shall be granted to certain employers.

Prior law provided that if the unemployment trust fund balance would have exceeded $400 million, each employer would have received a 10% reduction in contributions due under the rate table as provided in existing law.

New law provides that instead of a 10% reduction in contributions being granted to each employer, a 10% reduction in contributions will apply only to employers with a positive reserve ratio.

Prior law provided that if the unemployment trust fund balance would have exceeded $1.4 billion, each employer would have received a 10% reduction in contributions due under the rate table as provided in existing law.

New law provides that instead of a 10% reduction in contributions being granted to each employer, a 10% reduction in contributions will apply only to employers with a positive reserve ratio.

Effective August 1, 2021.

(Amends R.S. 23:1536)

Reporting of Employment Information (ACT 474)

Existing law provides that the administrator of the Louisiana Workforce Commission (LWC) may require an employer who meets certain requirements to report contribution and wage reports.

New law adds that an employer who is subject to the requirements of existing law and who is already reporting occupational information may continue to do so.

New law requires certain employers to report occupational information beginning Jan. 1, 2023.

New law provides that when an employer files contribution and wage reports, the employer must also file electronically the occupational information form with LWC.

New law provides that there shall be no penalty assessed against an employer for failing to report, or timely report, an employee's occupational code or job title or an employee's hourly rate of pay.

Existing law provides that each employing unit shall keep true and accurate records containing the necessary information as required by the administrator. Existing law provides that each employer shall keep records of and quarterly report to the administrator various items of information. New law adds each employee's wages.

New law provides that when filing quarterly wage reports, each employing unit shall include the Standard Occupational Classification (SOC) System codes or job title of each employee as recorded and reported by the employer pursuant to new law.

New law provides that the administrator or his authorized representative shall share the employment data he receives with the Board of Regents to aid in the improvement of workforce development and educational alignment.

New law provides that the employment data shall not include employer or employee names and

employer identification numbers or employee social security numbers. New law provides that employment data received by the Board of Regents shall not be shared.

New law requires the Board of Regents to only share aggregated information developed from the employment data it receives and that such aggregated information be shared with the Workforce Investment Council. New law provides that the aggregated information may be shared with any university or college system or individual campuses.

Existing law provides that LWC, the division of administration, or any contractor working on behalf of either of them, may be provided employment data obtained pursuant to existing law for certain purposes as listed in existing law.

New law adds that LWC, the division of administration, or any contractor working on behalf of either of them may be provided employment data for the purpose of compiling statistics that would assist in the preparation of an occupational forecast.

New law provides that the administrator shall transmit employment data, which is collected pursuant to existing law, to the Board of Regents for its economic research and for purposes of preparing the occupational forecast.

New law requires that any results produced from the data be aggregated by occupation, municipality, parish, or instructional program prior to its release, to ensure employer and employee confidentiality are maintained.

New law provides that LWC shall share certain employment data with the Board of Regents upon request.

Effective August 1, 2021.

(Amends R.S. 23:1660; Adds R.S. 23:1531.1(F))

Worker Classification (ACT 455)

Old law provided that if, after an investigation, the administrator determines that an employer, or any officer, agent, superintendent, foreman, or employee of the employer, failed to properly classify an individual as an employee and failed to pay contributions and the failure was not knowing or willful, the employer will be issued a written warning. New law repeals old law.

Present law provides that the administrator may assess an administrative penalty of not more than $250 per each employer who has misclassified an employee and failed to pay contributions.

New law changes the administrative penalty amount from $250 to $500, but waives this penalty if the employer becomes compliant within 60 days of the citation for the first offense.

New law provides that after the first offense, the administrator shall assess an administrative penalty of $1,000 per each individual who is misclassified.

Present law provides that an employer who fails to properly classify an individual as an employee and pay contributions, shall be subject to an administrative penalty of not more than $500. New law changes the administrative penalty amount from $500 to $2,500.

Old law provided that after an employer has been issued a written warning and is subsequently found on two or more separate occasions to have still misclassified an employee, the employer may also be subject to an additional fine of not less than $100 nor more than $1,000, or be imprisoned for not less than 30 days nor more than 90 days, or both. New law repeals old law.

New law provides that one-half of any administrative penalty assessed pursuant to new law shall be deposited into the state's unemployment trust fund.

New law provides that for the purposes of new law, an independent contractor means any person or organization, including a sole proprietor, partnership, limited liability company, corporation, or other entity, that undertakes orally or in writing to perform services for or in connection with another party in a manner consistent with the requirements of new law.

New law provides that if an individual or entity meets at least six of 11 criteria listed in new law, there shall be a rebuttable presumption of an independent contractor relationship with the contracting party for whom the independent contractor performs work, if an individual or entity controls the performance, methods, or processes and meets certain criteria.

New law provides that any contracting party or independent contractor may rely on the provisions of new law to establish an employment or independent contractor relationship.

New law shall not apply to any motor carrier who, pursuant to a contract with an owner operator, undertakes the performance of services as a motor carrier, any service excluded from the term "employment" as provided in present law, and any service performed for a nonprofit organization that is exempt from taxation under federal law.

(Amends R.S. 23:1711; adds R.S. 23:1711.1)

Worker Classification Initiatives (ACT 297)

New law provides that in order to be eligible, a taxpayer shall meet all of the following requirements:

(1) Apply to the Fresh Start Proper Worker Classification Initiative between Jan. 1, 2022, and Dec. 31, 2022.

(2) Produce a certificate of proof of workers' compensation coverage for the employee.

(3) Enter into a closing agreement with the Louisiana Workforce Commission (LWC) and the La. Dept. of Revenue (DOR).

New law provides that to be eligible a taxpayer must have consistently treated the workers as nonemployees for the previous three years and must have filed all required forms with the IRS with respect to those workers consistent with nonemployee treatment.

New law provides that an eligible taxpayer that participates in the initiative agrees to prospectively treat classes of workers as employees for future tax periods and not be liable for any withholding tax, unemployment tax, interest or penalties with respect to any workers before the date on which the taxpayer is accepted for participation in the program.

New law requires taxpayers who want to participate in the Fresh Start Proper Worker Classification Initiative to apply with the DOR.

New law provides that the DOR will review the application for eligibility and contact the taxpayer once a determination has been made.

New law provides an accepted application constitutes a joint closing agreement between the taxpayer and the DOR and LWC.

New law provides that the closing agreement shall constitute confirmation by the taxpayer to treat the class or classes of workers identified in the application as employees.

New law provides that the closing agreement becomes effective on the date that the taxpayer receives notice from the DOR that the taxpayer's application is accepted.

New law does not allow taxpayers who are contesting the classification of workers in court or taxpayers under audit for worker classification by the IRS, U.S. Dept. of Labor, or a state agency to participate in the program.

New law provides that a taxpayer is considered to be under audit for purposes of the Fresh Start Proper Worker Classification Initiative if a member of their affiliated group is under audit.

New law does not allow taxpayers who have withheld state income taxes from their workers but who have not remitted the tax to DOR to participate in the program.

New law creates the Louisiana Voluntary Disclosure Program (VDA Program) for the voluntary and anonymous reporting of undisclosed liabilities for withholding taxes

administered by the DOR and unemployment taxes administered by LWC.

New law requires employers to provide proof that the employees are covered by workers' compensation to participate in the VDA Program.

New law requires the waiver of any delinquent penalty after all tax and interest due for the look-back period have been paid by the VDA Program applicant whose application has been accepted, unless the tax disclosed was collected but not remitted.

New law provides a safe harbor from withholding taxes, or penalties for underpayment of any unemployment taxes, for putative employers who have consistently and timely filed all required federal tax and information returns for their workers as independent contractors, always treated the particular classification of worker as an independent contractor, and had a reasonable basis for not treating the class of workers as an employee.

New law provides that the safe harbor does not apply if the putative employer treated any similar worker as an employee.

New law provides that the Act shall not apply to any person or organization licensed by the La. Dept. of Insurance, any securities broker-dealer, or any investment adviser or its agents and representatives registered with the Securities and Exchange Commission, the Financial Industry Regulatory Authority, or licensed by the state.

Effective January 1, 2022.

(Adds R.S. 23:1771-1776)

TITLE 24: LEGISLATURE AND LAWS

Network Installation and Cybersecurity (ACT 404)

New law requires the Joint Legislative Committee on Technology and Cybersecurity to consider the creation and administration of possible regulatory structures for people engaged in network installation and cybersecurity in the state.

New law allows the Committee to consider all structures they deem appropriate and provides an illustrative list of potential approaches.

New law requires the Committee to submit findings or recommendations prior to the convening of the 2022 Regular Session.

New law expires in its entirety effective on Jan. 1, 2023.

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

(Adds R.S. 24:677)

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Microwineries (ACT 380)

New law adds that wine producers shall be considered manufacturers.

New law defines "microvinter" as any person who operates a microwinery.

New law defines "microwinery" as a retail outlet where a microvintner imports the juices of grapes, fruits, berries, honey, or vegetables for the purpose of fermenting such juices to produce and bottle wine in Louisiana in quantities of not more than 12,000 gallons per year for retail sale only at that location where the wine vinification takes place, for consumption on or off the licensed premises.

New law additionally authorizes microwineries to import products for the purpose of making wine and authorizes the sale at retail of such wine only at that location where the wine vinification takes place.

New law provides that the holder of a microwinery permit shall not sell the wine at wholesale or to any wholesale dealer.

New law provides that the microwinery shall not sell any wine for transportation off the premises to any other licensed alcoholic beverage retail dealer.

New law provides that wine produced by a microwinery shall be taxed in the same manner and at the same rate as beverages produced by other manufacturers.

New law adds an exception to the prohibition on selling or shipping into or within the state certain alcoholic beverages produced or manufactured inside or outside of this state.

Effective August 1, 2021.

(Amends R.S. 26:2, 71, 142, and 287; Adds R.S. 26, 71.4)

Class C Package Stores (ACT 314)

Existing law provides for criteria that establishments selling beverages of high- and low content alcohol shall meet to fulfill the requirements for a Class C permit.

Prior law provided that a "Class C-Package Store" was an establishment that did not allow the consumption of any alcoholic beverage for any purpose or reason on or about the licensed establishment, unless and except as otherwise provided.

New law provides that a "Class C-Package Store" is an establishment that operates a package store whereby the primary sales of alcoholic beverages at the location are sales of factory sealed containers for off-premise consumption.

New law provides that the retailer may sell alcoholic beverages for on-premise consumption not to exceed 20% of the business' annual revenue of alcoholic beverage sales. New law provides that such sales shall be subject to audits.

Effective August 1, 2021.

(Amends R.S. 26:71.2 and 271.3)

Retail Dealer Purchases of Alcohol on Credit (ACT 278)

Existing law provides that retail dealers of alcoholic beverages may only use cash or terms requiring payment no later than 15 days following that on which actual delivery is made when buying products from a wholesale dealer or manufacturers.

New law additionally allows retailers to pay by credit card.

Effective August 1, 2021.

(Amends R.S. 26:148)

Ready-to-Drink Beverages (ACT 71)

New law defines "ready-to-drink beverages" as an alcoholic beverage containing low or high alcohol content as defined in R.S. 26:2 and 241, that is pre-packaged, pre-measured, and pre-mixed to be sold in a manufacturer sealed container ready for immediate consumption.

New law adds ready-to-drink beverages to the list of beverages that can be delivered from a restaurant with a proper Class A-Restaurant permit.

New law provides that retail dealers possessing Class A-Restaurant permits may enter into delivery agreements with a third-party delivery company.

New law adds ready-to-drink beverages to the list of beverages that can be delivered from a restaurant possessing a proper Class-B permit.

(Amends R.S. 26:271.2 and 308; Adds R.S. 26:2(32) and 241(27))

Permits (ACT 290)

New law provides that an applicant that meets certain qualifications set forth in prior law may be issued a permit exception for hotel and lodging establishments, hereinafter referred to as

"permit", for any establishment which consists of sleeping rooms, cottages, or cabins.

New law provides that the applicant is required to meet certain qualifications and that the location of the applicant's establishment is required to meet certain requirements.

New law provides certain limitations to the applicant's operations provided in new law and provides that the permit shall not:

(1) Be utilized in lieu of a special event permit.

(2) Exempt applicant from prior approval from any festivals and public events.

(3) Be used as a prerequisite to apply for video poker machines.

(4) Apply to any change of ownership of the business, including changes to the owner of the applicant, whether in whole or in part. Any such change requires the exception permit to be void.

New law provides that an applicant shall submit written attestation, under penalty of perjury of all affiliated partners, members, officers, directors, and shareholders, that the provisions of new law have been met.

New law provides that the applicant shall submit a notarized certification of eligibility in accordance with new law on a form provided by the Office of Alcohol and Tobacco Control.

Effective August 1, 2021.

(Adds R.S. 26:794.1)

TITLE 27: LOUISIANA GAMING CONTROL LAW

Louisiana Sports Wagering Act (ACT 440)

New law adds authority, control, and jurisdiction for the La. Gaming Control Board over sports wagering.

New law provides that seats or spaces at sports wagering kiosks or sports wagering windows shall not be included as "gaming positions".

Racehorse Wagering

Prior law defined allowable games to be played exclusively within land-based casino; wagering on horse races was specifically excluded from authorized games.

New law deletes the specific exclusion of wagering on horse races in prior law and specifically authorizes racehorse wagering, which it defines as wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted by a licensed racehorse wagering operator.

New law provides a permitting process for a qualified racehorse wagering operator to conduct racehorse wagering at the land-based casino and requires the racehorse wagering operator to provide to the licensed racing association 25% of audited net profits from this activity, to be used as purse supplements.

Video Poker

Prior law regarding video poker provided several criteria and amenities for a truck stop to qualify to be licensed as an establishment to conduct video poker. One of the amenities is an onsite restaurant which must have certain features, including seating for at least 50 patrons, open at least 12 hours a day, offers a varied menu, operates a fully equipped kitchen and in Orleans Parish, must provide full table service for sit-down meals.

New law authorizes a truck stop to have an Alcohol and Tobacco Control Class A-General retail permit operating as a sports wagering lounge which sells food instead of prior law onsite restaurant.

New law provides that any license, permit, approval, or thing obtained or issued pursuant to new law is expressly declared by the legislature to be a pure and absolute revocable privilege and

not a right, property or otherwise, under the federal or state constitution.

Rules

New law requires the Board to adopt rules in accordance with the Administrative Procedure Act to:

(1) Develop qualifications and standards and a process and procedure for the issuance of a license to operate a sports book, as well as the renewal thereof, and a process to notify eligible applicants of available licenses.

(2) Develop qualifications and standards and a procedure and process for approval and permitting of sports wagering platform providers, manufacturers, suppliers, and personnel, as well as the renewal, suspension, and revocation of a permit.

(3) Promulgate forms, processes, and procedures necessary to implement, administer, and regulate sports wagering as authorized by new law.

(4) Establish standards for the amount of reserves required to be maintained by an operator and the allowable form of those reserves, including standards for initial reserves for a new licensee or newly permitted sports wagering platform provider.

(5) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(6) Prohibit an operator from unilaterally rescinding a wager, except in compliance with rules of the Board.

(7) For cash wagers placed in person or via a sports wagering mechanism, establish standards for the type of wagering tickets which may be used, information required to be printed on a ticket, and methods for issuing tickets.

(8) Establish the method of accounting to be used by operators, the types of records required to be kept, and the length of time records shall be retained.

(9) Require operators to comply with anti-money laundering standards.

(10) Provide standards for the use of credit and checks by players and other protections for players.

(11) Require operators to submit for approval by the Board their policies and procedures on internal controls for all aspects of electronic wagering, including procedures for system integrity, system security, operations, accounting, patron disputes, and reporting of problem gamblers.

(12) Require operators to submit for approval by the Board their policies and procedures on operational controls for server-based gaming systems, software and hardware utilized on electronic sports wagering, including but not limited to appearance, functionality, contents, collection, storage, and retention of data and security.

(13) Require operators to submit for approval by the Board their policies and procedures on operational controls for sports wagering accounts, including but not limited to procedures for establishment and closure of an online account, funding for withdrawal of funds from an online account, and generation of an account statement for a patron's online account.

(14) Establish standards for servers and other equipment used to accept wagers by operators and procedures for inspection and for addressing defective or malfunctioning devices, equipment, and accessories related to sports wagering.

(15) Require operators to post the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(16) Require operators to submit for board approval a responsible gaming policy that allows patrons to restrict themselves from placing wagers with the operator, including limits on time spent wagering and limits on amounts wagered, and identifies actions by the operator to honor those self-imposed restrictions.

New law authorizes emergency rulemaking procedures to be used for the initial promulgation of administrative rules.

New law provides that the gaming division of state police shall be charged with inspecting and ensuring compliance with all the requirements of new law and with any other tasks deemed necessary by the Board.

Sports Wagering Licenses

New law provides that no person, business, or legal entity shall operate a sports book without first being licensed by the Board and that a sports wagering license shall be in addition to any other license.

New law provides that the Board shall issue no more than 20 licenses to operate a sports book.

New law requires the Board to first consider applications for licensing from (1) the land-based casino, (2) the 15 licensed riverboats, and (3) the four race tracks, provided that the race track has the approval of the La. State Racing Commission to apply to be licensed to operate a sports book.

New law provides that for the initial application process, should any of the initial 20 eligible applicants elect not to apply for a license or fail to submit a completed application by January 1, 2022, or within 30 days of applications being available, whichever is later, it shall not be considered for a license, and the board may consider for the remaining licenses, applications from suitable applicants who are:

(1) Video poker licensed establishments; however, any applicant that is also licensed as an offtrack betting parlor shall also have the La. State Racing Commission's approval to apply to be licensed for a sports book.

(2) Fantasy sports operators.

New law provides that if the number of applications received by the Board that are determined to be eligible applicants exceeds the number of licenses available, the Board shall provide for a concealed bid process and issue the available licenses to bidders, in accordance with the Board's ranking of the bids, to the applicant that in the Board's discretion has the greatest potential for revenue generation for the state.

New law provides that should a license become available after the initial issuance, the Board shall notify the riverboats, race tracks, or the landbased casino who do not have a sports wagering license about the available license and provide those entities an opportunity to apply for the license by a certain date.

New law provides that if the number of applications from eligible applicants exceeds the number of available licenses, the Board shall provide for a concealed bid process and issue the available licenses to bidders, in accordance with the Board's ranking of the bids, to the applicant that in the board's discretion has the greatest potential for revenue generation for the state.

New law provides that should a license become available after the initial issuance and the riverboats, race tracks, and the landbased casino decline to apply, or the number of available licenses exceeds the number of riverboats, race track, or the landbased casinos that are interested, the Board shall notify the licensed video poker establishments (bars and lounges, restaurants, truck stops, offtrack betting parlors, and hotels) that do not have a sports wagering license about the available license and provide those entities an opportunity to apply for the license by a certain date.

New law provides that if the number of applications from eligible applicants exceeds the number of available licenses, the Board shall provide for a concealed bid process and issue the available licenses to bidders, in accordance with the Board's ranking of the bids, to the applicant that in the Board's discretion has the greatest potential for revenue generation for the state.

New law provides that the Board shall only award a license to operate a sports book to an applicant that it determines to be suitable, and specifically provides other information that the Board may consider in addition to the information the Board

uses in determining suitability for other gaming licenses.

New law provides that each applicant shall submit as part of its application a detailed plan of design of its sports book lounge and other areas of its establishment where sports wagering mechanisms may be placed. New law requires the Board to only issue a license to an applicant whose detailed plan of design the Board finds acceptable.

Sports Wagering Establishments and Platforms

New law provides that a licensed sports wagering establishment may operate the sports book itself, or contract for operation of its onsite or its mobile operation with a sports wagering platform provider. New law provides that only a licensed sports wagering establishment, or its sports wagering platform provider on its behalf, shall process, accept, offer, or solicit sports wagers.

New law provides that a licensed sports wagering establishment shall be responsible for the conduct of its sports wagering platform provider.

New law provides that prior to beginning operations, a licensed sports wagering establishment shall install and thereafter maintain a sports wagering platform that meets the specifications required by law and by rule and is approved by the Board.

Sports Wagering Platform Providers

New law requires a sports wagering platform provider to meet the same standards of suitability as a licensee.

New law requires a sports wagering platform provider to be permitted by the Board and to contract with a licensee to provide sports wagering services. New law requires that the contract provide access by the division and the Board to any information maintained by the platform provider for verification of compliance with new law.

New law limits a sports wagering platform provider to one sports wagering platform to offer, conduct, or operate a sports book on behalf of a licensee.

New law requires a sports wagering platform provider to keep books and records for the management and operation of sports wagering and for services for which it is contracted by a licensee.

New law requires the keeping of books and records separate and distinct from any other business the sports wagering platform provider might operate.

New law requires a sports wagering platform provider to file quarterly returns with the Board, listing all of its contracts and services related to sports wagering authorized under new law.

Sports Wagering Platforms

New law requires the Board to provide by rule for the standards and requirements of a sports wagering platform. New law requires the rules to specify technical requirements as well as operational requirements and provides that only a sports wagering platform that meets the standards and requirements as provided by rule may be used by an operator to book sports wagers.

New law requires that the sports wagering platform shall provide to the gaming division of state police a readily available point of contact to ensure compliance with the requirements of new law.

New law requires that all servers responsible for the processing of sports wagers shall be physically located in Louisiana and nothing in new law shall prevent the use of cloud computing.

New law provides that any sports wagering platform utilized for electronic wagering shall have a component of its design to reasonably verify that the person attempting to place the wager is at least 21 years of age, physically located in the state, not physically located in a parish that has not approved a proposition to authorize sports wagering at the time the wager is initiated or placed, and not a person who is

otherwise prohibited from wagering with the operator.

Temporary Certificates of Authority

New law authorizes the Board to issue a temporary certificate of authority to an applicant for a license or permit if:

(1) The applicant has filed with the Board a completed application, including all fees.

(2) The applicant has substantially demonstrated to the satisfaction of the Board that the person meets the requirements of new law, the board's rules, including emergency rules, and the board's or division's orders.

(3) The applicant of a sports wagering platform provider permit or service provider permit holds a gaming license or permit for similar activity in Louisiana or another state and the license or permit is in good standing.

(4) The applicant agrees in writing that the temporary certificate of authority does not create a right or privilege and that the Board may rescind the temporary authority to conduct business at any time, with or without notice and without a hearing, if the Board is informed that the suitability of the person may be at issue or the person fails to cooperate with the investigation into the qualifications and suitability.

New law provides that the temporary certificate of authority shall expire 6 months after issuance; the Board may issue one 90-day extension of the certificate upon a showing of good cause; and, if a license or permit is issued to the holder of a temporary certificate of authority, the license or permit term will begin on the date of issuance of the temporary certificate of authority.

Sports Wagering Operations

New law provides that an operator may conduct sports wagering in person or via a sports wagering mechanism located on its premises or through a website or mobile application.

New law requires each licensee to house its sports book in a sports wagering lounge on its premises, which shall be restricted to patrons who are 21 years of age or older and conform to all requirements concerning square footage, design, equipment, security measures, and related matters which the Board prescribes by rule.

New law requires an operator to establish and display the odds at which wagers may be placed on sports events. New law prohibits an operator from accepting a wager in person, via a sports wagering mechanism, or through a website or mobile application, unless the wagering proposition is posted by electronic or manual means.

New law requires an operator to adopt comprehensive rules which the Board approves to govern sports wagering transactions with its patrons. New law requires the rules to specify the amount to be paid on winning wagers and the effect of schedule changes.

New law requires that the rules, together with any other information the Board deems appropriate, be conspicuously displayed in the establishment, posted electronically on any sports wagering mechanism, website, or mobile application, and included in the terms and conditions of the sports wagering account system.

New law requires an operator to maintain records of sports wagering activities and operations in accordance with rules and regulations of the Board and to follow federal anti-money laundering standards in the day-to-day operations of its business.

New law requires each operator to designate one or more key employees who shall be responsible for the operation of the sports book.

New law requires at least one key employee to be on premises whenever in person sports wagering is conducted, and for mobile wagering, requires at least one key employee be electronically accessible for patrons and the division at all times.

New law declares that all wagers on sports events authorized pursuant to new law shall be initiated, received, and otherwise made within the state, unless otherwise determined by the Board in accordance with applicable federal and state laws.

New law authorizes an operator to pool wagers with persons who are not physically present in this state if the Board determines that this wagering is not inconsistent with federal law or the law of this state, including any foreign nation in which the person is located, or that the wagering is conducted pursuant to a reciprocal agreement to which the state is a party that is not inconsistent with federal law.

New law provides that to place a sports wager with an operator, a player must be, and an operator must confirm that the player is: (1) 21 years of age or older, (2) physically located in a parish that has approved a proposition authorizing sports wagering, (3) have a wagering account established with the operator, if the player is attempting to place a sports wager through a website or mobile application, and (4) not prohibited from wagering with the operator by law, rule, policy of the operator, self-exclusion, or pursuant to Uniform Compulsive and Problem Gambling Program.

New law prohibits an operator from knowingly accepting wagers from:

(1) A person who is an athlete, coach, referee or other official, or staff of a participant or team that is participating in the sports event on which the person is attempting to place the wager.

(2) A person who is the operator itself or is a director, officer, owner, or employee of the operator or any relative or other person living in the same household as a director, officer, owner, or employee of the operator.

New law provides that no sports wagers may be accepted or paid by any operator on any of the following:

(1) On any sport or athletic event not authorized by law or the Board.

(2) On any sport or athletic event which the operator knows or reasonably should know is being placed by or on behalf of an athlete, coach, referee or other official, or staff of a participant or team that is participating in that event.

(3) On the occurrence of injuries or penalties, or the outcome of an athlete's disciplinary rulings, or replay reviews.

(4) On other types, forms, or categories of wagering prohibited by the Board by rule.

New law authorizes a sports governing body to submit to the Board a request to restrict, limit, or exclude a certain type, form, or category of sports wagering with respect to sporting events of its body, if the sports governing body believes that such wagers may undermine the integrity or perceived integrity of the body or sporting event of the body. Upon receipt, the Board shall request comments from operators and after due consideration to all comments received, the Board shall grant the request if the Board finds a demonstration of good cause from the requestor that such type, form, or category of sports wagering is likely to undermine the integrity or perceived integrity of the body or the sporting event.

New law requires an operator to promptly report to the Board on the following activities:

(1) Any criminal or disciplinary proceedings commenced against the licensee or its employees, or a sports wagering platform provider or its employees, in connection with the operations of the sports book.

(2) Any abnormal wagering activity or patterns that may indicate a concern about the integrity of a sports event.

(3) Any other conduct with the potential to corrupt a wagering outcome of a sports event for purposes of financial gain, including but not limited to match fixing.

(4) Suspicions or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds

derived from illegal activity, use of agents to place wagers, or use of false identification.

New law requires every operator to adopt procedures to obtain personally identifiable information from any individual who places an in-person single wager in an amount of $10,000 or greater on a sports event.

New law provides that an operator may accept wagers made electronically using a sports wagering mechanism located on its premises or through a website or mobile application.

Sports Wagering Mechanisms

New law provides that a player may make a deposit in his or her sports wagering account or place a wager via a sports wagering mechanism. New law provides that the deposit or wager may be made with cash, vouchers, or utilizing the player's established sports wagering account.

New law requires that sports wagering mechanisms:

(1) Be located only on a licensee's premises in areas where accessibility is limited to patrons 21 years of age or older.

(2) Be branded in the same brand as the licensee or the sports wagering provider, or both.

(3) Be configured in such a way that no device, program, switch, or function will alter the reading of a bet, value, or amount of wagering or deposits to reflect a bet, value, or amount other than that actually wagered or deposited or any switches, jumpers, wire posts, or any other means of manipulation that could affect the operation or outcome of a wager.

(4) Be divided into separate secure areas with locking doors for the logic board and software, the cash compartment, and the mechanical meters as required by the rules of the Board and prohibit access to one area from the other.

(5) Not have any functions or parameters adjustable by or through any separate video display or input codes, except for the adjustment of features that are wholly cosmetic.

(6) Have a circuit-interrupting device, method, or capability which will disable the machine if the Board approved program is accessed or altered.

(7) Have a serial number or other identification number permanently affixed to the mechanism by the manufacturer.

(8) Be linked to an operator's sports wagering platform for purposes of polling or reading mechanism activities and for remote shutdown of mechanism operations. If the platform fails as a result of a malfunction or catastrophic event, or the mechanism loses connectivity to the platform, new law provides that the mechanism shall not accept any additional wagers until the connection to the platform is restored.

New law provides that the Board may provide for additional specifications for mechanisms to be approved and authorized as it deems necessary to maintain the integrity of sports wagering mechanisms and operations.

New law requires that any sports wager placed with cash via a sports wagering mechanism be evidenced by a ticket indicating the name of the operator booking the wager, the sports event on which the wager was placed, the amount of cash wagered, the type of bet and odds if applicable, the date of the event, and any other information required by the Board.

New law provides that a patron with a winning ticket shall redeem the ticket at the establishment of the licensee that booked the wager within 180 days of the date of the event.

New law provides that wagers placed through a player's established sports wagering account shall be settled through the player's wagering account.

Mobile Wagering

New law authorizes mobile wagering. New law provides that for purposes of mobile wagering, each licensee may contract with no more than two sports wagering platform providers, who may

each provide individually branded websites, each of which may have an accompanying mobile application bearing the same brand as the website. The website and mobile application shall only be offered under the same brand as the licensee, or the sports wagering platform provider, or both. The website and mobile application shall be, at the discretion of the licensee, in addition to any other websites or mobile applications operated by the platform provider and offering other types of mobile gaming.

New law, regarding mobile wagering, requires that a patron establish a wagering account with the operator, in person or remotely, before the operator may accept any sports wager through a website or mobile application from the patron and that the operator conduct an initial verification of the account, either in person or remotely. New law provides that an account may be established with a line of credit or as an advance deposit wagering account.

New law prohibits an operator from accepting a sports wager through a website or mobile application from the public or any person who does not have an established account with the operator and when the player is physically located out of state or in a parish that has not approved a proposition authorizing sports wagering. New law requires an operator to maintain geofencing and geolocation services and bear all costs and responsibilities associated with the services as required by the Board.

Payment of Winning Wagers

New law requires winning wagers that were placed in person or via a sports wagering mechanism with cash and are evidenced by a ticket receipt to be redeemed by a player within 180 days from the time of the event.

New law requires an operator to pay winning tickets upon presentation after performing validation procedures unless otherwise allowed pursuant to the rules and regulations of the Board.

New law provides that the failure to produce a winning ticket within 180 days shall constitute a waiver of the right to the payment, and the holder of the ticket shall thereafter have no right to enforce payment of the ticket. New law provides that an operator's obligation to pay a winning ticket expires after 180 days from the date of the sports event if not presented for payment.

New law provides that funds held by an operator for payment of outstanding tickets shall be retained by the operator for that purpose until the expiration of 180 days after the date of the sports event.

New law provides that after that, the operator shall each day accumulate the amount equal to the sum of any unclaimed winnings, less the amount of state tax paid by the operator on the unclaimed monies that expire that day.

New law provides that on or before the 15th day of the first month following the end of a calendar-year quarter, the operator shall remit to the state treasurer for deposit into the Crime Victims Reparations Fund as provided for in prior law an amount equal to the accumulated total for the previous calendar-year quarter.

New law provides that the funds shall be used exclusively to pay the expenses associated with health care expenses of victims of sexually-oriented crimes.

New law provides that winning wagers placed using a sports wagering account shall be credited by the operator to the patron's account within one day from the time of the event, unless otherwise allowed pursuant to the rules and regulations of the Board.

Miscellaneous

New law authorizes an operator who seeks to reduce its risk exposure on a sports event to place a wager with another book. New law requires the operator that places a wager to inform the book accepting the wager that the wager is being placed by a book and to disclose its identity.

New law provides for taxes on net gaming proceeds of an operator. Net gaming proceeds are defined as the difference between all wagers

taken in by the operator and all winning paid out to players. In determining the taxable amount, operators are allowed to subtract up to $5 million in wagers in a calendar year that are directly attributable to promotional play.

New law provides that the $5 million cap applies per licensee, but if a licensee pools its wagers with other licensees in the state, the maximum amount of eligible promotional play shall apply per pool and the amount of eligible promotional play per participating licensee shall be allocated in accordance with an agreement among licensees participating in the pool. New law requires Board approval of the pooling of wagers and the corresponding agreement. New law prohibits a licensee from claiming promotional play from more than one sports wagering platform in a calendar year.

Present law prohibits gambling houses, gambling, and gambling by computer. New law makes an exception for gaming conducted in accordance with new law.

Present law provides that it is unlawful for any person under 21 years of age to play casino games, gaming devices, or slot machines. New law adds sports wagering as games that persons under 21 years of age are prohibited from playing.

Effective July 1, 2021, the Board is not authorized to issue any licenses or permits until state laws are enacted regarding the taxation of net gaming proceeds generated through the operation of a sports book.

(Amends R.S. 13:4721, R.S. 14:90.5, R.S. 27:15, 15.1, 24, 27.1, 44, 58, 65, 205, 239.1, 353, 361, 364, 371, 372, 375, and 417, and R.S. 46:1816; adds R.S. 14:90(E) and 90.3(K), R.S. 27:249.1, 601-611, and 627)

Electronic Gaming Devices (ACT 427)

Prior law required all licensed video draw poker devices, video pull-tabs, electronic gaming devices on licensed riverboats, and slot machines at live racing facilities to be connected to a central computer in order to maintain the security and integrity of electronic gaming devices and for ensuring accurate and thorough accounting procedures.

New law instead requires all licensed video draw poker devices, video pull-tabs, electronic gaming devices on licensed riverboats, and slot machines at live racing facilities to be connected to each licensee's central computer system, casino management system, and slot machine management system as applicable, to which the Dept. of Public Safety and Corrections, office of state police, and the La. Gaming Control Bd. have complete and unrestricted access to the information contained in electronic gaming devices.

Prior law prohibited the central computer system from monitoring or reading personal or financial information concerning patrons of gaming activities conducted on a riverboat or at live racing facilities. New law repeals prior law.

Prior law required the Dept. of Public Safety and Corrections, office of state police, to impose and collect an annual fee not in excess of $50 on each electronic gaming device linked by telecommunication to the central computer system. New law repeals prior law.

Effective August 1, 2021.

(Amends R.S. 27:30.6)

New Orleans Land-Based Casino (ACT 408)

Existing law provides for the Land-Based Casino Operating Contract and provides for the operations for the land-based casino.

Existing law provides that the casino operator is authorized to conduct noncasino related activities at the official gaming establishment in accordance with certain agreements.

Existing law provides that the memorandum of understanding and agreement between the casino gaming operator and the Greater New Orleans Hotel and Lodging Association dated April 2019 (MOU) shall provide that:

(1) For additional rooms authorized by the MOU, advertising of market rates shall be based on average seasonal rates for the preceding year of luxury hotels in the Central Business District (CBD), French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.

(2) For rooms existing prior to August 1, 2018, room taxes shall be paid by the casino gaming operator on all discounted and complimentary rooms to be paid at the applicable tax rates based upon average seasonal rates for the preceding year of hotels in the CBD and French Quarter of the City of New Orleans, as compiled by a nationally recognized firm. For those hotel rooms added after 2019 and authorized by the MOU, room taxes shall be paid by the casino operator on all discounted and complimentary rooms to be paid at the applicable tax rates based upon average seasonal rates for the preceding year of luxury hotels in the CBD, French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.

New law specifies that complimentary rooms provided by the casino gaming operator shall not be subject to the state sales and use tax.

New law provides that room taxes levied and collected by the City of New Orleans, sales and use taxes levied by the state of La., and sales and use or occupancy taxes levied by any other political subdivision on rooms provided at a discount by the casino gaming operator shall be paid at the applicable rates based on the amount actually paid or charged for the room.

New law specifies that the casino gaming operator shall enter into a memorandum of understanding and agreement with the La. Stadium and Exposition District and the Ernest N. Morial-New Orleans Exhibition Hall Authority to provide for annual payments of $1,300,000, to be divided into quarterly payments, with the first payment beginning on July 1, 2022, and continuing through July 31, 2054.

New law requires the casino gaming operator to remit state and local sales and use taxes at the applicable tax rates on all complimentary and discounted food, beverage, or entertainment offerings based on the actual value of food, beverage, or entertainment provided and to remit state and local sales and use taxes at the applicable tax rates on all parking provided at a charge to the customer or the general public.

Existing law provides relative to the promotion of non-gaming economic development by the casino gaming operator or an affiliate company through the development of businesses, including restaurants, entertainment outlets, and retail outlets leased or subleased to third-party tenants or subtenants within, adjacent to, and around the official gaming establishment.

Existing law requires the casino gaming operator to report quarterly the total operating force or personnel level of the third-party tenants to the board of directors of the La. Economic Development and Gaming Corporation.

Present law provides that the reported operating force or personnel level for the prior quarter be determined by taking into account the greater of either the three-month average for the applicable reporting quarter or the highest monthly total during the applicable reporting quarter.

Prior law provided that the reported operating force or personnel level for the prior quarter be credited to the casino gaming operator for purposes of meeting certain existing law obligations, provided that such credit was limited to 400 employment positions toward the total operating force or personnel level.

New law removes the 400 employment positions credited toward the total operating force or personnel level.

Existing law provides that the casino gaming operator shall not reduce its total operating force or personnel level below 90% of the force or level as such existed on March 8, 2001.

Prior law provided that to meet those goals the credit was limited to 400 employment positions. New law provides that to meet those goals the credit is limited to not more than half of the total operating force or personnel level.

Existing law provided that prior to July 15, 2024, the casino operator shall make a capital investment on or around the official gaming establishment of $325,000,000 subject to an extension for any force majeure event.

Prior law defined "operating force or personnel level" as the number of people employed by the casino and any related non-gaming entity, including hotel operations, third-party tenants, and corporate employees.

New law adds hospitality outlet employees to the definition of "operating force or personnel level" and also adds third-party contractor employees, provided that the employees of third-party contractors shall be included only until the $325,000,000 capital investment requirement has been fulfilled.

New law removes third-party tenants from the total operating force or personnel level that is reported to the gaming control board.

Prior law required that the casino gaming operator be credited an amount equal to the pro rata share of compensation to employees of the third-party tenants. New law provides that the amount credited to the casino gaming operator is equal to the compensation to employees of the third-party tenants.

Effective July 1, 2021.

(Amends R.S. 27:243)

Video Draw Poker (ACT 426)

Prior law defined "video draw poker" as any card game approved by the Dept. of Public Safety and Corrections, office of state police, that utilized one deck of cards per hand with multiple hands permitted per game. New law adds to the prior law definition to include card games that utilize one or more decks of cards per hand with multiple hands permitted per game.

Existing law provides that each video draw poker device shall offer the game of draw poker or other such card games that are approved by the Dept. of Public Safety and Corrections, office of state police, and have certain methods of operations.

Prior law required each hand to utilize a deck of cards consisting of 52 standard playing cards, and up to two jokers could also be used. Prior law required the deck to be shuffled by use of a random number generator to exchange each card in the deck with another randomly selected card.

New law requires each hand to utilize one or more decks of cards consisting of 52 standard playing cards each, and up to two jokers per deck may also be used. The decks shall be shuffled by use of a random number generator to exchange each card in a deck with another randomly selected card.

Effective August 1, 2021.

(Amends R.S. 27:402 and 405)

Sports Wagering (ACT 80)

New law provides for the issuance of fees and collection of taxes for the regulation of sports wagering, including the following changes to present law:

(1) Adds sports wagering to prohibited "gambling" crimes.

(2) Adds sports wagering to definitions of "gaming supplier", "key" and "non-key gaming employees", and "non-gaming supplier".

(3) Adds sports wagering to $100,000 civil penalty provisions and civil penalty schedule.

(4) Provides that manufacturers of sports wagering mechanisms pay same fees as video poker and slot machine manufacturers.

(5) Provides that applicable laws regarding gaming and non-gaming suppliers and key and non-key gaming employees applies to sports wagering.

New law defines "net gaming proceeds" as the amount equal to the total gross revenue of all wagers placed by patrons, less the total amount of

all winnings paid out to patrons and promotional play.

New law provides promotional play shall not exceed an amount of $5 million per calendar year and shall be equal to an amount of promotional play related to sports wagering and actually redeemed.

New law provides for a sports wagering license fee, that the initial application fee shall be $250,000, and that the license fee shall be $500,000 for a term of five years.

New law provides for a sports wagering platform provider permit fee, that the initial application fee shall be $100,000, and that the permit fee shall be $250,000 for a term of five years.

New law provides for a sports wagering service provider permit fee, that the initial application fee shall be $10,000, and that the permit fee shall be $12,500 for a term of five years.

New law provides for a sports wagering distributor permit fee, that the initial application fee shall be $5,000, and that the permit fee shall be $2,500 for a term of five years.

New law provides that the various applications and fees shall be submitted to the gaming division of state police and shall be deposited into the new law Sports Wagering Enforcement Fund.

New law provides for a state levy of 10% tax upon the net gaming proceeds from sports wagering offered to patrons at the licensed sports wagering establishment, and a state levy of 15% upon the net gaming proceeds from sports wagering offered to patrons through a website or mobile application.

New law provides for the taxes to be collected by the gaming division of state police and forwarded to the state treasurer for immediate deposit into the treasury.

New law creates the "Sports Wagering Enforcement Fund" in the state treasury. New law provides that monies in the fund shall be withdrawn only pursuant to appropriation by the legislature and used solely for the expenses of the Dept. of Public Safety and Corrections, the Dept. of Justice, and the La. Gaming Control Board as may be necessary to carry out the provisions of new law and the rules of the board.

New law authorizes the La. Lottery Corporation to operate and administer sports wagering.

New law authorizes the Corporation through the adoption of rules to provide for the qualifications, standards, and procedures for permitting sports wagering, including guidelines for the types of wagers, amounts of wagers, standards for use and protection of players, internal controls for the electronic wagering and the approval of retail establishments offering sports wagering.

New law provides that present law provisions regarding lottery retailers, vendors, and criminal background checks apply to sports wagering.

New law provides for a comprehensive authorization of the Corporation to conduct sports wagering, including the following major points:

(1) Provides for annual reports to the legislature.

(2) Provides for suitability standards for operating sports wagering which are comparable to present law standards for other forms of gaming.

(3) Provides for the sports wagering platform providers specifications for operation.

(4) Requires sports wagering platforms to provide safeguards to make sure that a person who is attempting to wager is at least 21 years of age.

(5) Provides for a sports wagering platform permit, an application fee of $100,000, and a permit fee of $250,000.

(6) Provides that a sports wagering platform provider permit has a term of five years.

(7) Provides for sports wagering service providers.

(8) Provides that the application fee for a sports wagering service provider is $10,000 and that the permit fee is $12,500 for a five-year term.

(9) Provides for limitations on who may wager, and the types of wagers which may be accepted by the operator.

(10) Provides for the specifications of sports wagering mechanisms.

(11) Provides for the requirements for wagering through a website or mobile application.

(12) Provides for the awarding and payment of prizes.

(13) Provides for withholding of prize money from persons with outstanding child support arrearages as is provided for in present law with other forms of gaming.

New law defines retail establishments as:

(1) Any establishment that has a Class A-General retail or restaurant permit for the sale of alcoholic beverages for on premises consumption and that is located in a parish that approved a proposition to authorize sports wagering.

(2) Any establishment that holds a retail food establishment permit pursuant to the provisions of present law and is located within a parish that approved a proposition to authorize sports wagering, but is prohibited from holding a Class A-General retail permit or a Class A-Restaurant permit for the sale of alcoholic beverages for on premises consumption.

New law provides for an initial application fee of $1,000 and a permit fee of $100 for a one year permit for retail establishments.

New law provides that all application fees are non-refundable.

New law provides for a state levy of 10% tax upon the net gaming proceeds from sports wagering offered to patrons onsite at a permitted retail establishment, and a state levy of 15% upon the net gaming proceeds from sports wagering offered to patrons through a website or mobile application by the Corporation.

New law provides that within 20 days after the last day of each calendar month, the Corporation shall collect the taxes imposed pursuant to new law on net gaming proceeds for the immediately preceding calendar month.

Taxes collected by the Corporation pursuant to new law shall be deposited into the Community and Family Support System Fund as provided in present law.

New law provides that in a month when the amount of net gaming proceeds of an operator from sports wagering is a negative number, the operator may carry over the negative amount to the return filed for the subsequent month. New law provides no amount shall be carried over in any period more than 12 months after the month in which the amount carried over was originally due.

New law provides that within 20 days following the close of each calendar month, the Corporation shall transfer to the Lottery Sports Wagering Fund the amount of net revenue which the Corporation determines are surplus to its needs.

Net revenues shall be determined by deducting from the Corporation's net gaming proceeds the payment costs incurred or estimated to be incurred in the operation and administration of sports wagering. These costs shall include the expenses of the Corporation and the costs resulting from determining applicant suitability, and any contracts entered into for promotional, advertising, or operational services or for the purchase or lease of sports wagering equipment and materials.

New law creates the Lottery Sports Wagering Fund, provides that the treasurer shall deposit Corporation net revenue as determined in new law, and provides monies in the fund shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely for the expenses provided pursuant to new law.

(Amends R.S. 13:4721, R.S. 14:90.5, R.S. 27:3, 29.1, 29.2, 29.3, 29.4, R.S. 47:9001, 9002, 9006, 9009, 9010, 9015, and 9029; Adds R.S. 14:90(E) and 90.3(K), R.S. 27:92(D), R.S. 27:621-627, and R.S. 47:9091-9107)

TITLE 28: MENTAL HEALTH

Mental Health Treatment (ACT 372)

Existing law provides that a treatment facility for a person with a mental illness, or suffering from a substance-related or addictive disorder, shall be selected in the following order of priority: medical suitability, least restriction of the person's liberty, nearness to the patient's usual residence, and financial or other status of the patient.

New law adds that a patient's preference shall be the fifth consideration in this order of priority.

New law provides that the geographic location for a public or private behavioral health service provider law shall be defined to include the parish in which the provider's business office is located, any parish contiguous to the parish in which the office is located, and any distance within a fifty-mile radius of the office.

Effective August 1, 2021.

(Amends R.S. 28:2 and R.S. 40:2155)

Psychiatric Mental Health Nurse Practitioners (ACT 373)

New law provides admitting privileges to psychiatric mental health nurse practitioners for preparing and executing orders for the admission of patients to licensed psychiatric treatment facilities.

Present law provides that the governing body of a treatment facility may grant staff membership, specifically delineated institutional privileges, or both, to a psychiatric mental health nurse practitioner, conditioned upon the nurse practitioner meeting certain requirements pursuant to present law.

New law adds that the specifically delineated privileges may include the ability to prepare and execute orders for the admission of a patient to a treatment facility.

Present law provides that any person who has a mental illness, or person who is suffering from a substance-related or addictive disorder, may apply for voluntary admission to a treatment facility.

Present law provides that admitting physicians are to admit persons suffering from a substance-related or addictive disorder to treatment facilities.

New law adds that psychiatric mental health nurse practitioners may admit persons with mental illness or suffering from a substance-related or addictive disorder pursuant to present law.

Present law provides that each patient admitted on a voluntary basis shall be informed of any other medically appropriate alternative treatment programs and facilities known to the admitting physician.

New law adds that a psychiatric mental health nurse practitioner may also inform the patient of any treatment programs or facilities.

Present law provides that no admission by a patient shall be deemed voluntary, unless the admitting physician determines the patient has the capacity to make such admission.

New law adds that a psychiatric mental health nurse practitioner shall also be able to determine if an admission by a patient is deemed voluntary based upon the patient’s capacity to make such admission.

Present law provides that upon the arrival of a patient to a treatment facility, the person shall be immediately examined by a physician, preferably a psychiatrist, who will determine if the person shall be voluntarily admitted, admitted by emergency certificate, or discharged.

New law adds that a psychiatric mental health nurse practitioner may also examine the person and determine if the person shall be voluntarily admitted pursuant to present law.

New law provides that if a peace officer transports a person to a treatment facility, and no emergency certificate for that person has been issued in accordance with the provisions of this Section, then only a psychiatrist may admit the person to the facility.

(Amends R.S. 28:51.1, 52, 52.2, 52.3, and 53)

Civil Involuntary Outpatient Treatment (ACT 329)

Present law provides for civil involuntary outpatient treatment for persons suffering from mental illness; for petitions for court orders authorizing involuntary outpatient treatment; and for procedures of courts with respect to the petitions.

New law changes the term "patient" to "respondent" throughout present law.

New law deletes prior law requiring that a person's history of lack of compliance with mental health treatment must result in certain outcomes in order to qualify the person for court ordered involuntary outpatient treatment.

New law provides instead that the person's history of lack of compliance with mental health treatment qualifies the person for court-ordered involuntary outpatient treatment.

Prior law provided that a petition to obtain an order authorizing involuntary outpatient treatment may be initiated by several authorized persons, including any interested person through counsel with written concurrence of the coroner in the jurisdiction in which the person is found.

New law removes the requirement for written concurrence of the coroner to be filed with the petition, but allows the court to order the coroner to provide written concurrence to the allegations found in the petition to authorize involuntary outpatient treatment.

New law adds items of information to be included in petitions to the court for orders authorizing involuntary outpatient treatment.

New law requires that as soon as is practical after the filing of the petition for an order authorizing involuntary outpatient treatment, the court shall review the petition and supporting documents and determine whether there exists probable cause to believe that the respondent is suffering from a mental illness which renders the respondent unlikely to voluntarily participate in the recommended treatment and in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in the respondent becoming dangerous to self or others or gravely disabled.

New law requires that if the court determines that probable cause exists, it shall appoint a physician, psychiatric mental health nurse practitioner, or psychologist to examine the respondent and to provide a report provided for in present law (Physician's Report to Court) and testify at the hearing.

New law requires the report to specifically state the objective factors leading to the conclusion that the person has a mental illness that renders the person unlikely to voluntarily participate in the recommended treatment and is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in the person becoming dangerous to self or others or gravely disabled.

New law revises present law concerning procedures of courts with respect to petitions for orders authorizing involuntary outpatient treatment. New law adds a requirement that each court keep a record of the cases relating to persons who have a mental illness coming before it and the disposition of those cases.

New law provides that all records maintained in courts pursuant to present law and new law shall be sealed and available only to the parties to the case, unless a court, after a hearing held with notice to the respondent, determines such records should be disclosed to a petitioner for cause

shown. New law requires that any such hearing shall be closed to the public.

New law revises present law concerning written treatment plans for involuntary outpatient treatment.

New law repeals present law providing:

(1) If the petitioner is affiliated with a hospital that operates an involuntary outpatient treatment program that is willing to treat the patient, the court order shall direct the hospital to provide all available categories of involuntary outpatient treatment services.

(2) If the hospital does not have such a program or if the patient is discharged to a different local governing entity, or if the director of the local governing entity has filed the petition and certified services are available, the court order shall require the appropriate director to provide all available categories of involuntary outpatient treatment services.

New law repeals present law providing that if either party alleges noncompliance under a written treatment plan, a judicial review can be scheduled and all persons listed in present law are to receive notice.

New law adds the requirement that when a physician, psychiatric mental health nurse practitioner, or psychologist determines the respondent has failed to comply with the ordered treatment, the local governing entity, case manager, or treatment provider shall make reasonable efforts to solicit the compliance of the respondent.

New law revises present law concerning noncompliance with written treatment plans and hearings on such noncompliance.

New law stipulates that assistive outpatient treatment proceedings conducted pursuant to present law and new law shall be exempt from charges for filing fees or taxing of court costs.

New law defines "interested person" as anyone of legal age who has an interest in the outcome of a particular case, which may include but shall not be limited to any adult relative or friend of the respondent, any official or representative of a public or private agency, corporation, or association that is concerned with the respondent's welfare, or any other person found suitable by the court.

(Amends R.S. 28:66, 67, 68, 69, 70, 71, 72, 73, and 75; adds R.S. 28:69(G) and (H) and 77)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Commission on Nonprofit Safety and Security (ACT 263)

New law establishes the La. Commission on Nonprofit Safety and Security within the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to study and make recommendations on the security needs of nonprofit organizations that are at high risk of terrorist attacks in La.

New law provides for the purpose, membership, duties, and authority of the Commission, including recommendations on the establishment, administration, and funding of a grant program for eligible entities to apply for security grants covering security personnel, security training, facility hardening, and other necessary security measures.

New law requires the Commission to issue a report, at least annually, to GOHSEP of its findings and recommendations with respect to the security status and needs of nonprofit organizations that are at high risk of terrorist attacks in La.

New law directs GOHSEP to establish a grant program through which eligible nonprofit organizations can apply for and receive grants to defray the cost of security enhancements or measures, including safety and security planning, equipment, training, and technology, threat and awareness response training, upgrades to existing structures that enhance safety and security, vulnerability and threat assessments, and security personnel.

New law establishes the La. Nonprofit Safety and Security Grant Program Fund, administered by GOHSEP, for the purposes of the security grant program established pursuant to new law.

Effective August 1, 2021.

(Adds R.S. 29:726.5 and 726.5.1)

TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY

Geologic Storage (ACT 326)

Present law provides for the storage of natural gas, liquid hydrocarbons, and carbon dioxide in underground reservoirs and salt domes. New law also provides for the storage of hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law in such reservoirs and salt domes.

Present law provides that prior to using a salt dome as storage of liquid or gas hydrocarbons, or carbon dioxide, the assistant secretary must have a hearing and find that such use is feasible; that the storage will not contaminate other formations; the storage will not endanger lives or property and is environmentally compatible with existing dome uses; and that temporary loss of jobs caused by the storage will be corrected by compensation, new employment, or other provisions. New law adds to the list: hydrocarbon, hydrogen, nitrogen, ammonia, compressed air, or noble gas storage.

Present law provides that such findings along with the application for such use of a salt dome must be transmitted to the natural resources committees of the House and Senate, which may meet jointly to make recommendations to the commissioner. New law adds the storage of hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

Present law provides that after receipt of such recommendations, if any, the commissioner is authorized to issue orders to ensure that liquid or gaseous hydrocarbons or carbon dioxide reduced to possession and then injected into a salt dome remains the property of the injector, not the surface or mineral rights owner, and to issue orders to protect the reservoir. New law adds hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

Present law requires the secretary of the Dept. of Natural Resources determine the feasibility of projects for the emergency storage of state-owned oil and gas or carbon dioxide. New law retains present law and adds hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

Prior law provided for an application fee in the form and schedule set by the commissioner not to exceed 8-½% above the amount charged on July 1, 2010.

New law removes the cap of 8 ½% in which the fee can be increased and limits the fee to an amount equal to or less than the actual or anticipated cost to the state for the review of the permit or application.

New law removes authorization for the commissioner to use up to $750,000 per year of the Carbon Dioxide Geologic Storage Trust Fund in the administration of this Chapter, and removes a provision that is no longer applicable that gave the commissioner the authority to use the Oil and Gas Regulatory Fund for the administration of present law.

New law adds authorization for the commissioner to contract for professional services to assist with permit or application reviews.

New law defines "Confidential Business Information" and requires the commissioner of conservation to adopt and apply certain federal regulations relative to confidential business information.

(Amends R.S. 30:23, 1103, and 1110; Adds R.S. 30:1104(F))

Oilfield Site Restoration Fund (ACT 298)

New law requires the state treasurer to transfer $30 million from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use and

monies from federal appropriations or any federal grant program established by the U.S. Congress for the purpose of restoring orphan oilfield sites into the Fund.

New law requires the Joint Legislative Committee on the Budget to determine whether federal funds received by the state can be used for oilfield site restoration or plugging orphan wells.

New law limits the use of these monies to the purposes of assessing and restoring orphan oilfield sites. New law provides that an amount not exceeding 5% may be used for administration.

New law provides monies shall be expended only through contracts entered through the competitive process set by prior law.

Prior law capped the Fund at $14 million but excluded from the calculation of that cap site-specific trust accounts, financial security instruments not tied to a specific well or wells, and sums generated from bonds.

New law adds any sums deposited from federal appropriations or any grant program established by the U.S. Congress for the purpose of restoring orphan oilfield sites to the list of funds not used to calculate the cap of the Fund.

Effective upon signature of the governor (June 15, 2021).

(Amends R.S. 30:86)

Mineral and Energy Operation Fund (ACT 268)

Present law establishes the Mineral and Energy Operation Fund as a special fund in the state treasury to be used solely for the administration and regulation of minerals, groundwater, and related energy activities.

Present law provides for deposit of the following revenues into the fund: up to $1.6 million received from judgments and settlements, income received from seismic survey permits, and any other monies designated for deposit.

Present law deposits an additional $900,000 per year into the fund from judgments and settlements for FY 2017-2018 through FY 2020-2021.

New law extends the time frame for the receipt of such monies from FY 2017-2018 through FY 2020-2021 to FY 2021-2022 through FY 2024-2025.

(Amends R.S. 30:136.3)

Solar Device Regulation (ACT 301)

Present law requires the secretary of the Dept. of Natural Resources to develop and adopt, in cooperation with affected industry and consumer representatives and after one or more public hearings, regulations governing solar devices.

New law requires cooperation with landowners and utility and agricultural representatives in developing regulations.

New law requires such regulations govern property leases for the exploration, development, and production of solar energy.

New law authorizes rules to provide for minimum requirements for property leases for the exploration, development, and production of solar energy, including but not limited to acreage, access, and maintenance of the property during the lease, decommissioning and final site closure upon termination of the lease, and placement of the program within the department.

New law delays implementation of the promulgated rules until the secretary identifies funding through fees, federal grants, or other sources.

Prior law prohibited the secretary from precluding any person from developing, installing, or operating a solar device on his own property. New law provides that this prohibition applies to residential use only.

Effective August 1, 2021.

(Amends R.S. 30:1154)

Environmental Fees (ACT 405)

New law provides additional fees that the secretary of the Dept. of Environmental Quality (DEQ) may assess under his authority as follows:

(1) Annual fee for dependent mobile laboratories - not to exceed $363 per mobile.

(2) The accreditation fees for in-state laboratories receiving national accreditation - not to exceed one and one half times the regular fees.

(3) The accreditation fees for out-of-state laboratories receiving state accreditation - not to exceed one and one-half times the regular fees.

(4) The accreditation fees for out-of-state laboratories receiving national accreditation - not to exceed two times the regular fees.

(5) Interim accreditation application fees - not to exceed two times the regular fees.

New law authorizes increases in air fees as follows:

(1) Criteria pollutant annual fee - not to exceed $20 per ton in two phases. The first phase will increase the fee to $16.61/ton effective July 1, 2022. The second phase will increase the fee to $20/ton effective July 1, 2023.

(2) Minimum fee for criteria pollutants - not to exceed $250.

(3) New fee for asbestos disposal certification forms - $5000 for one fiscal year.

New law authorizes increases in solid waste fees as follows:

(1) Waste tire transporter authorization application fee - not to exceed $250.

(2) Maximum annual tonnage fee for type I facilities - $120,000.

(3) Maximum annual tonnage fee for type II facilities - $30,000.

(4) Permit application review fee for type I, I-A, II, and II-A standard permits applicants may be increased to $6125.

(5) Permit application review fee for type III standard permits applicants may be increased to $1325.

(6) Permit application review fee for type I, I-A, II, and II-A permits-modification applicants may be increased to $2650.

(7) Permit application review fee for type III permits-modification applicants may be increased to $813.

(8) All transporters of solid waste with a facility - $250.

New law, relative to radioactive waste disposal processing, authorizes a fee of $250 to be billed at the wellhead regardless of the field.

New law authorizes device, product, or sealed source evaluation 6A device evaluation (each) increased to $5000; device, product, or sealed source evaluation 6B sealed source design evaluation (each) increased to $2000; and device, product, or sealed source evaluation 6C update sheet increased to $500.

New law authorizes fees for a commercial naturally occurring radioactive materials waste disposal application fee of $23,000 and a commercial naturally occurring radioactive materials waste disposal annual fee of $20,000.

(Amends R.S. 30:2011 and 2014)

Public Hearings, Final Decisions, and Self-Assessment (ACT 481)

Present law requires the department to conduct a public hearing on all environmental assessment statements. New law changes this requirement by requiring the department to conduct a hearing if requested.

New law requires the department's final decisions to be public and published on the department's website.

New law requires the secretary of the Dept. of Environmental Quality to establish a program for voluntary environmental self-audits.

New law requires that the regulations provide for the procedures for conducting the self-audit, submission of the results to the department, the period of time that information contained in the self-audit may be held confidential which shall not exceed two years, incentives to encourage the use of self-audits, corrective actions for violations discovered by the self-audit, submission of a corrective plan, and fees for reviewing the audit and corrective plan.

Present law provides that department records and information obtained from rules, regulations, orders, licenses, or permits are available to the public, unless the secretary determines that release of the information may impair an investigation or the protection of trade secrets and proprietary information.

New law requires information obtained through a voluntary environmental self-audit be held confidential for a limited time, not to exceed two years, as specified in the rules applicable to voluntary environmental self-audits.

New law specifies that information disclosed to the department under a self-audit that is required to be reported to a state or federal agency by statute, regulation, or permit will not be held confidential.

New law does not prohibit a request for confidentiality concerning trade secrets, proprietary secrets, and commercial and financial information.

New law requires the secretary to promulgate rules and regulations identifying violations that are not eligible for relief under the voluntary self-audit program and lists the types of violations as follows:

(1) Violations that result in serious actual harm to the environment.

(2) Violations that may present an imminent or substantial endangerment to public health or the environment.

(3) Violations discovered by the department prior to the written disclosure of the violation to the department.

(4) Violations detected through monitoring, sampling, or auditing procedures that are required by statute, regulation, permit, judicial or administrative order, or consent agreement.

New law suspends prescription for claims for violations upon participation in the voluntary self-audit program until the department makes a final decision or two years, whichever occurs first.

(Amends R.S. 30:2018 and 2030; adds R.S. 30:2044)

Advanced Recycling (ACT 460)

Prior law required the secretary of the Department of Environmental Quality to adopt and promulgate rules, regulations, and standards for the transportation, processing, resource recovery, and disposal of solid wastes consistent with the general solid waste management plan adopted by the department.

New law retains prior law, except provides that such rules and regulations regulating solid waste not include advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling.

New law requires notification to the department prior to conducting advanced recycling activities.

New law provides the definition of solid waste does not include post-use polymers or recovered feedstocks that are converted through advanced recycling or are held at, or for the purpose of conversion at, an advanced recycling facility prior to conversion.

Prior law defined "resource management" as the process by which solid waste is collected,

transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program.

New law adds that the term "resource management" does not include the storage of post-use polymers or recovered feedstocks or the conversion of post use polymers or recovered feedstocks through advanced recycling.

Prior law defined "resource recovery" as the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including uses as an energy source.

New law adds that "resource recovery" does not include the conversion of post-use polymers or recovered feedstocks through advanced recycling.

Prior law defined a "resource recovery and management facility" as any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any "processing, treatment, or disposal facility".

New law adds that the term "resource recovery and management facility" does not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

Prior law defined a "solid waste disposal facility" as any land area or structure or combination of land areas and structures, used for storing, salvaging, processing, reducing, incinerating, or disposing of solid wastes, excluding any "processing, treatment, or disposal facility" and any facility where solid waste management activities are limited to transferring solid waste from collection vehicles to other vehicles for transport without processing.

New law adds that the term "solid waste disposal facility" does not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

New law provides definitions for advanced recycling, advanced recycling facility, gasification, post-use polymer, pyrolysis, recovered feedstock, depolymerization, and solvolysis.

New law requires that storage of post-use polymers not exceed reasonable timeframes.

New law provides that where there is an analogous ingredient, the post-use polymers shall be managed in a manner consistent with the analogous ingredient or otherwise be adequately contained to prevent releases into the environment. New law provides if there is no analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

New law requires post-use polymers to provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. New law provides a contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product.

New law requires that the use of post-use polymers result in products that contain contaminants at levels that are comparable in concentration to or lower than those found in traditional products that are manufactured with post-use polymer products.

Effective August 1, 2021.

(Amends R.S. 30:2153; adds R.S. 30:2154(B)(1)(b)(iii) and 2157)

Natural Gas Pipelines (ACT 246)

New law changes the definitions for "facility" and "owner or operator" under the Right-To-Know Law in order to make explicit that natural gas pipelines are to be treated as "facilities" under this law and are subject to its reporting requirements,

rather than being treated as a "transport vehicle" and being subject to reporting requirements under provisions related to hazardous material transportation and motor carrier safety.

Present law defines the term "facility", as used in the Hazardous Material Information Development, Preparedness and Response Act (Right-to-Know Law), as the physical premises where hazardous materials are manufactured, used, or stored.

Present law, under the Right-To-Know Law and associated administrative rules, provides for the reporting of unauthorized releases from natural gas pipelines and establishes a reportable quantity of 1,000 pounds.

New law retains present law, but articulates under the definition of "facility" that natural gas pipelines:

(1) Are to be considered "facilities" under the Right-To-Know Law and subject to the reporting requirements under the Right-to-Know Law.

(2) Are not to be treated as "transport vehicles" or subject to reporting requirements under the laws regarding hazardous materials transportation and motor carrier safety.

Prior law defined "owner or operator", as used in the Right-to-Know Law, as a person or entity engaged in operations with hazardous materials "at" a facility. The present law definition of "facility" refers to an owner or operator's physical premises "in" which hazardous materials are handled. New law modifies the definition of "owner or operator" under prior law for consistency with the present law definition of "facility", as well as the new law definition of "facility" inclusive of pipelines, by referring to hazardous materials "in" a facility rather than "at" a facility.

(Amends R.S. 30:2363)

Waste Tires (ACT 291)

Present law provides for the waste tire program in the Dept. of Environmental Quality (DEQ). One aspect of the program is to reimburse waste tire processors from the Waste Tire Management Fund for scrapping waste tires generated within the state.

New law requires establishment of standards, requirements, and permitting procedures for generators, commonly known as tire dealers.

Prior law provided that the requirements include proof of commercial liability insurance and other evidence of financial responsibility as determined by the secretary. New law limits this requirement to tire transporters, collection sites, and processors, while excluding generators.

New law provides that no person shall store more than 20 whole waste tires or sell tires without holding a valid generator identification number or other authorization issued by the DEQ.

New law provides that no person who stores more than 20 whole waste tires or sells tires shall allow the waste tires generated by his activities to be transported by a person without a valid transporter authorization certificate and a manifest satisfying the requirements of the DEQ.

New law provides that any person who willfully or knowingly violates new law shall, upon conviction, be subject to a fine of not less than $300 but not more than $500, or imprisonment for six months, or both.

New law provides that no person can transport more than 20 whole waste tires without a valid transporter authorization certificate or other authorization issued by the department and a manifest satisfying the requirements of the DEQ.

New law requires a transporter of waste tires to only accept and transport waste tires from a person who has obtained a valid generator identification number from the DEQ.

New law exempts commercial farmers from the requirements of having a generator identification number and a transporter authorization certificate.

New law is not to apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until DEQ promulgates regulations governing these maintenance activities.

Effective August 1, 2021.

(Amends R.S. 30:2418; adds R.S. 30:2418.1 and 2418.2)

TITLE 31: MINERAL CODE

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Autocycles (ACT 203)

Existing law specifies that safety helmet requirements applicable to motorcycles, motor-driven cycles, or motorized bicycles do not apply to a person operating or riding an autocycle if the vehicle is equipped with supports that meet or exceed the standards for a safety helmet or a rollbar or roll cage.

Prior law defined "autocycle" as a three-wheeled motorcycle on which the driver and all passengers rode in either a completely enclosed seating area or in a side-by-side seating area equipped with a rollbar or roll cage, with safety belts for all occupants, and designed to be controlled with a steering wheel and pedals.

New law modifies the definition in prior law to include either a partially or completely enclosed seating area and changes the controlling design from a steering wheel to a steering mechanism.

Prior law exempted operators of autocycles with certain features from the requirement to obtain a special endorsement on their driver's license.

New law changes the definition of "autocycle" relative to the driver's license law for which a special endorsement exemption applies. New law modifies the definition to include either a partially or completely enclosed seating area and changes the controlling design from a steering wheel to a steering mechanism.

Effective August 1, 2021.

(Amends R.S. 32:1, 401, and 408)

Highway Safety Corridors (ACT 478)

Present law provides for violations of traffic offenses for first time and subsequent violations. New law adds a requirement for a fine to be twice the standard fine imposed if a person operating a motor vehicle violates the provisions of present law while on the portion of a hwy. designated as a hwy. safety corridor pursuant to new law.

New law authorizes the secretary of the Dept. of Transportation and Development (DOTD), the superintendent of the La. State Police (LSP), and the executive director of the La. Hwy. Safety Commission to establish a highway safety corridor program for critical infrastructure, consisting of a portion of highways in the state hwy. system and interstate highway system designated by the secretary of the DOTD as hwy. safety corridors, to address hwy. safety problems through law enforcement, education, and safety enhancements.

New law exempts the secretary of the DOTD, the superintendent of the LSP, and the executive director of the La. Hwy Safety Commission from liability for any property damages, injuries, or deaths that may arise in the enforcement of new law after reviewing all data and studies for the establishment of the hwy. safety corridor.

New law establishes the Safety Corridor Advisory Group and requires various members serve on the advisory group.

New law requires the advisory group do the following:

(1) Establish objective criteria for designating a segment of hwy. as a safety corridor, including but not limited to a review of crash data, crash reports, type and volume of vehicle traffic, and engineering and traffic studies.

(2) Establish objective criteria for safety enhancements, including but not limited to, regular community engagement, heightened

enforcement, engineering improvements, infrastructure investments, queue detection systems, extended Motorist Assistance Patrols, or instant tow dispatch and public outreach.

(3) Elect a chairman, vice chairman, and a secretary from its membership.

(4) Serve without compensation and reimbursement of expenses other than compensation and reimbursement provided by their employers.

New law requires the secretary to hold a minimum of one public hearing before designating any specific hwy. corridor as a hwy. safety corridor, to be held at least 30 days prior to the designation, at a location as close to the proposed corridor as practical.

New law requires the DOTD to erect a sign at each end of the hwy. safety corridor and at appropriate intermediate sites along the corridor indicating that it is a hwy. safety corridor.

New law requires any person violating the provisions of new law while on the portion of a hwy. which is designated as a hwy. safety corridor, be fined and penalized as provided in present law and new law.

New law requires the secretary, upon a unanimous vote of the Safety Corridor Advisory Group and in the exercise of his authority, to designate hwy. safety corridors on any hwy. in the state hwy. system.

New law requires the secretary of the DOTD to coordinate with LSP for the exercise of police powers of the state as necessary to maintain the peace and accomplish the orderly handling of this authority, subject to the provisions of new law.

New law requires the penalty for a hwy. safety corridor violation to be a fine of not more than $100.

New law requires the department from time to time to designate one or more violation clerks and agents to perform the functions specified in new law at the discretion of the department and for a time period as the department deems necessary.

New law authorizes the department to hire or designate such personnel and organize such sections as the department deems necessary, or contract for such services, in order to carry out the provisions in new law.

New law is intended to supplement the laws governing motor vehicles and traffic regulation appearing in present law, and shall not preclude any police officer from enforcing these laws within a designated hwy. safety corridor.

New law requires the office of motor vehicles to issue a notice to the violator at the address listed on the violator's driver's license, unless a more current address is on file, and to identify the violator's vehicle by vehicle identification number, when the department receives notice from the DOTD to block the renewal or reissuance of the driver's license or registration of a frequent violator. New law requires the notice to advise of the block against renewal or reissuance, including a duplicate registration or driver's license.

New law requires the notice to state the requirement to pay the reinstatement fee to the office of motor vehicles in addition to providing compliance from the DOTD to remove the block against renewal or reissuance. New law requires the reinstatement fee to be $100 and requires the DOTD to provide a complete record on all violations of the violator to the office of motor vehicles.

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

(Adds R.S. 32:57(I), 57.3, 267, and 267.1)

Vehicle Lights (ACT 78)

Present law provides that when a vehicle is parked on or near the highway flashing amber or yellow warning lights, other drivers must yield the right of way by making a lane change or slow to a reasonably safe speed if a lane change is not

possible. New law extends to vehicles flashing green lights.

Present law prohibits a person from driving a vehicle on the highway with a lamp or device on the vehicle displaying a red or a green light visible from directly in front of the center of the vehicle. New law excludes Dept. of Transportation and Development (DOTD) vehicles displaying green lights from the restrictions in present law.

(Amends R.S. 32:125 and 327)

Personal Delivery Devices (ACT 214)

New law provides that the operation of a personal delivery device is governed by law and Federal Aviation Administration airport regulations.

New law provides that a personal delivery device cannot be considered a vehicle.

New law provides that a business entity may be the operator of a personal delivery device, through an agent of the business entity, that is trained and capable of monitoring or exercising physical control of the personal delivery device.

New law requires that a personal delivery device yield to pedestrians and not obstruct right-of-ways to all other lawful traffic.

New law prohibits a personal delivery device from transporting hazardous materials.

New law provides that a personal delivery device may be operated at speeds of up to 12 miles per hour in a pedestrian area or at speeds up to 20 miles per hour in a nonpedestrian area.

New law provides that a personal delivery device shall be equipped with markers and a unique identification number.

New law provides that a personal delivery device shall be equipped with a braking system, and lights on the front and rear that are visible up to 500 feet.

New law provides that local authorities may prohibit personal delivery devices, by local resolution or ordinance, if the local government determines that the prohibition is in the interest of public safety.

New law provides that personal delivery devices may also be prohibited by airport authorities by resolution or ordinance in the interest of public safety.

New law provides that a business entity that operates a personal delivery device shall maintain no less than $100,000 of general liability insurance on the personal delivery device.

Effective upon signature of the governor (June 11, 2021).

(Adds R.S. 32:210 - 210.7)

Construction Aggregates (ACT 442)

Existing law defines "construction aggregates" as any of the following: sand, gravel, crushed stone, reef shell, clam shell, sand-clam shell mixture, sand-reef shell mixture, sand clay gravel, clam-reef shell mixture, crushed concrete, expanded clay, calcium sulfate hemihydrate, asphalt, and bulk soil.

New law expands the definition of "construction aggregates" to include dirt.

Effective August 1, 2021.

(Adds R.S. 32:388(B)(4)(b)(xv))

Motor Vehicle Accident Reports (ACT 317)

New law changes references in present law from accident reports to crash reports.

Prior law required the driver of any vehicle involved in an accident resulting in injury or death of any person or total property damage to an apparent extent of $100 or more, to forward a written report to the Dept. of Public Safety and Corrections (DPS&C) within 24 hours of the accident. Prior law authorized imprisonment for not more than 60 days or a fine of not more than

$100, or both, for any person who violates the provisions of prior law. Prior law authorized a driver involved in an accident to submit a supplemental report if the original report was deemed insufficient and may require witness reports. New law removes prior law.

Prior law required every law enforcement officer who investigates an accident initial the accident report form to show compliance with prior law and required the officer to indicate on the report whether the investigation was made at the scene of the accident or by subsequent investigation and interview. New law removes prior law.

Present law requires the investigating law enforcement officer to forward a written report of the accident to the DPS&C within 48 hours after completing the investigation. Present law provides that if the accident occurred within the corporate limits of a city or a town, the investigating officer is required to forward a written copy of the report to the police department of the city or town and duplicate a report for the DPS&C within 48 hours.

New law modifies present law by requiring the investigating law enforcement agency to forward a copy of the crash report to the Dept. of Transportation and Development (DOTD) within 48 hours after completing the investigation. New law specifies that if the crash occurred within the corporate limits of a city or a town, the investigating agency is required to forward a copy of the crash report to the police department of the city or town and duplicate a report for the DOTD within 48 hours.

Prior law authorized any interested person to obtain a copy of a crash report from state police, any local police department, or any sheriff's office upon request. New law removes present law.

New law specifies that all data and reports are owned by the law enforcement agency who created the report and all collective data is owned by the state of La.

New law authorizes third party vendors contracted with a state or local agency to sell individual crash reports on behalf of the agency.

New law prohibits third party vendors and contracted agents of law enforcement entities from selling any aggregated or compiled data owned by the state of La. or a local law enforcement entity, unless specifically authorized by the state of La.

Present law requires the coroner or the person performing the duties of the coroner report the death of any person as a result of a collision involving a motor vehicle, and the circumstances of the collision, within 60 days following the death, to the DPS&C and the La. Hwy. Safety Commission.

New law modifies present law by requiring the coroner or the person performing the duties of the coroner to forward the report to the DOTD.

Prior law required the DPS&C prepare and, upon request, supply to police, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports, requiring specificity to disclose, with reference to a highway accident, the cause, conditions then existing, and persons and vehicles involved. Prior law required all accident reports to be made on forms approved by the DPS&C, and to contain the investigating officer's initials and directions to instruct the parties to exchange required information.

New law modifies prior law to require the DPS&C prepare and, upon request, supply the office of state police, a municipal police department, the sheriff's office, and any other suitable agency or individual, with electronic forms for crash reports. New law requires all crash reports be provided on electronic forms approved by the DPS&C. New law requires the DPS&C establish the format required for all crash reports.

Prior law required the DPS&C to receive accident reports and authorized the department to tabulate and analyze the reports for annual publishing.

New law requires the department to receive, tabulate, and analyze the crash reports from the DPS&C to the DOTD.

Prior law authorized the local police department in Orleans Parish to charge a reasonable fee, not to exceed $20, to provide copies of accident reports and provides a fee exemption for state departments. New law removes prior law.

Prior law prohibited all persons and their agents from screening accident reports if the person or agent does not represent any of the persons involved in a particular accident, but specifies that the limitation must not prevent any person from requesting particular reports, regardless of whether the person represents any party in the accident. New law deletes prior law.

Prior law authorized the sale of police accident reports or other driving record information to consumers of on-line driving records under written contract for purchase of records with the DPS&C.

New law removes the sale of police accident reports from present law and authorizes the sale of driving record information to consumers of on-line driving records under written contract for the purchase of records with the DPS&C.

Present law requires all police, state or local, to immediately contact the DOTD district office when called to the scene of an accident where that department's property has been damaged in an amount which is estimated to exceed $500.

New law requires the local roadway owner to be called to the scene of an accident where that department's or local roadway owner's property has been damaged.

Present law requires all police, state or local, to forward copies, at no cost to the department, of the accident report which indicates damage to property of the department to the department's headquarters' maintenance division within six days of the accident.

New law requires all police, state or local, to make available, at no cost to the department, copies of the crash report that indicates damage to property of the department or the local roadway owner upon completion of the investigation.

Present law requires the information contained in reports to be confidential and made available only to parties to the report, the parties' insurers, and parents or guardians.

New law also makes the report available to an insurance support organization under contract to provide claims and underwriting.

New law defines "insurance support organization" as any person who regularly engages in the practice of collecting information about a natural person for the purpose of providing the information to an insurance company or preventing fraud in connection with insurance underwriting or claim activity.

(Amends R.S. 32:398)

Drivers' Licenses and Fees (ACT 335)

Existing law requires a person to notify the driver's license division in writing within 10 days of a change of address after applying for a driver's license. New law authorizes the notification to be made electronically.

New law authorizes a licensee to update his or her permanent address in person, by mail, or online to have the license issued with the correct address for Class "D" and "E" licenses.

New law requires the reconstructed license be mailed to the licensee's updated permanent address.

New law prohibits the application of new law from applying to a REAL ID compliant license. New law requires the address of a REAL ID compliant license to be changed at a motor vehicle field office or the office of an authorized public tag agent.

Existing law requires the Dept. of Public Safety and Corrections, office of motor vehicles (OMV), to collect a handling charge of $12 for new

applications, renewals, duplicates, and valid without photo for Class "D" and Class "E" driver's license transactions, in addition to any fee authorized by existing law.

Existing law requires any person who, after applying for or receiving a license, moves from the address, place, or residence listed in the application to notify the driver's license division within 10 days, in writing, of the new address.

New law waives the handling charge of $12 for duplicate transactions for Class "D" and Class "E" licenses and lost or destroyed licenses pursuant to existing law when the change of address was caused by the renaming of a street or highway due to a municipal or parish ordinance.

Existing law authorizes any La. resident to obtain a special ID card from the OMV, and requires a fee of $3 for a two-year special ID card and a fee of $5 for every four-year special ID card for persons under the age of 16. Existing law authorizes a special ID card to be renewed every four years for persons over the age of 16.

New law requires the department to waive fees applicable to duplicate transactions for a special ID card pursuant to existing law when the change of address was caused by the renaming of a street or highway due to a municipal or parish ordinance.

Existing law requires a $10 fee for a license duplicate plate and $4 fee for each duplicate certificate of registration.

New law requires the department to waive fees for duplicate transactions for a certificate of registration pursuant to existing law when the change of address was caused by the renaming of a street or highway due to a municipal or parish ordinance.

Effective August 1, 2021.

(Amends R.S. 32:406 and 412.1; Adds R.S. 40:1321(S) and R.S. 47:472(C))

Commercial Driver's Licenses (ACT 261)

Existing law requires the Dept. of Public Safety and Corrections (DPS&C) to initiate and complete a review of the applicant's driving record to check for any disqualifications, suspensions, revocations, or cancellations and that the driver is not licensed in more than one state.

New law requires, beginning on or after Feb. 7, 2022, the record review of a commercial driver's license (CDL) to include the Federal Motor Carrier Safety Administration, Training Provider Registry to determine training compliance before issuing a skills test, on initial CDL issuance, on any CDL class upgrade, and on any issuance of a passenger, school bus, or hazardous materials endorsement.

New law requires, beginning on or after Jan. 6, 2023, the record review of a CDL to include the Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse, on all applicants for the transfer, issuance, renewal, or upgrade of a CDL.

Effective August 1, 2021.

(Adds R.S. 32:409.1)

OMV Fees (ACT 348)

Prior law required the office of motor vehicles to collect a handling charge of $8.00 for special identification cards (ID cards), new applications, renewals, and duplicates. Prior law required $2.50 of the fee charged for any handling fee to be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund.

New law increases the handling fee for identification cards, applications, renewals, and duplicates to $12.00.

New law requires that monies deposited into the Office of Motor Vehicles Handling Fee Escrow Fund be available for appropriation in various Fiscal Years.

Prior law required the fee for issuance or renewal of an ID card for persons under the age of 16 to be $3 for a two-year ID card and $5 for a four-year ID card. New law changes the four-year period to a six-year period and increases the fee of $5 to $7.50.

Prior law required the fee for issuance or renewal of an ID card for persons 16 years or older be $10. New law changes the fee from $10 to $15.

Prior law authorized the Office of Motor Vehicles (OMV) to issue an ID card for a period of less than four years in circumstances of medical, legal presence, or other special restriction. Prior law required the ID card issued to a properly documented alien student or a nonresident alien to expire on the date the alien's immigration documents expire or four years after issuance, whichever was sooner. New law changes the four-year period to a six-year period.

New law creates the Office of Motor Vehicles Special Identification Card Escrow Fund, which is a special statutorily dedicated fund account in the state treasury.

New law requires that after compliance with the La. constitution the treasurer pay an amount equal to 1/3 of the monies received by the state treasury pursuant to current law into the Identification Card Account.

New law requires monies deposited into the Identification Card Account to be categorized as fees and self-generated revenue available for Fiscal Years 2026, 2027, 2032, 2033, 2038, and 2039.

New law provides the provisions of R.S. 40:1321.1 will be null, void, and of no effect beginning on July 1, 2039.

Effective August 1, 2021.

(Amends R.S. 32:412.1 and 412.3 and R.S. 40:1321; Adds R.S. 40:1321.1)

Driver's Licenses and Identification Cards (ACT 239)

New law authorizes the application for a duplicate driver's license or special identification card (ID card) to be submitted to a motor vehicle office, an authorized agent of the office of motor vehicles (OMV), or the motor vehicle website online application. New law requires the application to include a statement executed by the applicant attesting to the facts regarding the lost or destroyed driver's license.

Present law authorizes the person to whom a license was issued, or a person who has power of attorney for the person to whom the license was issued, to apply for a duplicate license and submit satisfactory proof to the OMV of such loss or destruction if the license was issued to a La. domiciliary or resident who is temporarily out of state, who is a domiciliary or resident who is an active member of the Armed Forces, or who is a domiciliary resident dependent of a member of the active Armed Forces.

New law identifies the type of license issued as a driver's license, and applies present law to the application for an ID card.

New law authorizes a holder of a valid driver's license or ID card to apply for a duplicate driver's license by mail or electronic commerce.

New law prohibits a duplicate driver's license or ID card from being issued by mail or electronic commerce to a person who is an alien student, nonresident alien, or a person who has previously been issued a duplicate license or ID card prior to the license or ID card expiration.

New law authorizes the department to establish rules and regulations to grant or deny a duplicate driver's license or ID card by mail to a La. resident temporarily domiciled out of state or out of the country, or temporarily residing, employed, or attending school in another state or foreign country, even if the resident does not meet the qualification under new law.

New law requires the application for a duplicate driver's license by mail or electronic commere to include the following:

(1) An applicant statement that he or she has no current physical or mental condition which would impair his ability to operate a motor vehicle safely, nor has he or she experienced any loss of consciousness other than normal sleep.

(2) An applicant statement indicating that all motor vehicles owned by the applicant are covered by liability insurance or security, and the coverage will be maintained until the vehicle is no longer utilized on the highways of this state, or until a vehicle is transferred to another person or entity.

(3) A sworn affidavit by a physician certifying an applicant who is 70 years of age or older possesses all cognitive functions reasonably necessary to be a prudent driver.

New law prohibits the state, the department, or any department employee from being liable, upon receipt of the required statements by the department and upon issuance of a duplicate driver's license or ID card, for any property damages, injuries, or deaths that arise from an applicant's involvement in an accident, when the accident may be attributed to the applicant's medical condition that may have existed and rendered him incapable of operating a motor vehicle safely.

New law requires the department to issue a duplicate driver's license or ID card with the same expiration date as the previously issued driver's license or ID card when renewed by mail or electronic commerce.

New law specifies that a valid driver's license does not include the following:

(1) A suspended, disqualified, expired or canceled license, regardless of class.

(2) A commercial driver's license for the holder that does not meet all requirements for licensure under federal, state law, or both.

(3) A hardship driver's license.

(4) Any driver's license blocked on any further issuance of any kind, whether or not the license is suspended or disqualified.

New law requires any online transaction for a duplicate driver's license or ID card to be assessed the fee as authorized and approved in present law.

(Amends R.S. 32:413; Adds R.S. 40:1321.1)

Calcasieu Parish OMV Fees (ACT 310)

Existing law authorizes the governing authority of any local governmental subdivision to levy, by resolution, a fee for each service or transaction carried out as an operation of an office of motor vehicles field office not fully funded by the state.

Existing law prohibits exceeding a $4.50 fee per service or transaction and requires the fee be used solely to defray operation costs for the local field office, except in the parishes of Orleans and Jefferson, where the maximum fee is $6.

New law allows Calcasieu Parish to levy a fee not to exceed $6.

Effective August 1, 2021.

(Amends R.S. 32:429)

La. Motor Vehicle Commission and Marine Products (ACT 94)

Present law provides for the licensing and regulation of marine products by the La. Motor Vehicle Commission.

Prior law defined "marine product" as a new or used watercraft, boat, marine motor, and a boat or watercraft trailer. Prior law provided an exclusion for watercraft designed for use primarily for commercial or governmental purposes or a new or used watercraft or boat adapted to be powered only by the occupant's energy.

New law adds an exclusion to the definition of "marine product" for a marine motor used

primarily for commercial or governmental purposes.

New law provides that the prior law exclusion for a watercraft will apply only if the watercraft is used primarily for commercial or governmental purposes.

Effective August 1, 2021.

(Amends R.S. 32:1252)

New Recreational Vehicle Warranty Act (ACT 220)

Prior law created the Louisiana Motor Vehicle Commission in the office of the governor to hear and decide matters concerning brokers and disputes between manufacturers, distributors, converters, motor vehicle lessor franchisors, or representatives and motor vehicle dealers, recreational products dealers, specialty vehicle dealers, and motor vehicle lessors. New law adds hearings relative to recreational vehicle warranties.

New law lists without limitation the powers and duties of the Commission, including the receipt of nonconformity complaints from consumers, record keeping of nonconformity complaints, hearings on nonconformity complaints, and collection of costs associated with requirements of new law.

New law requires the manufacturer of a recreational vehicle, or any of its authorized dealers, to make repairs necessary to conform the vehicle to the manufacturer's express warranty when a consumer reports nonconformity before the expiration of the warranty or not later than one year from the date of original delivery to the consumer.

New law provides for a presumption of a reasonable number of attempts to conform a recreational vehicle to the express warranty if the vehicle is out of service by reason of repair for a cumulative total of 90 or more calendar days and the same nonconformity has been subject to repair four or more times by the manufacturer.

New law provides that notwithstanding the presumption, the consumer shall provide written notice of a nonconformity to the manufacturer and the Commission of the need to repair and evidence that the recreational vehicle has been out of service a total of at least 90 days or has been subject to repair four or more times.

New law provides the manufacturer 10 business days from receipt of written notice of a nonconformity to attempt a final repair and requires the manufacturer to notify the consumer where and when to deliver the recreational vehicle to the repair facility.

New law provides the designated repair facility 10 business days for repairs using replacement parts and 30 calendar days for structural repairs. Only written extensions of the repair time periods by the consumer are authorized. New law provides that a manufacturer is considered to have waived its right to a final attempt to cure the nonconformity if the manufacturer fails to respond or to perform the repairs in these time periods.

New law authorizes courts to award reasonable attorney fees to the prevailing party on appeal if the Commission's decision on nonconformity is appealed by either party.

New law extends the express warranty term for the consumer and the manufacturer when repair services are not available or cannot be performed because of war, pandemic, invasion, strike, fire, flood, or natural disaster.

New law provides that upon the Commission's determination of a recreational vehicle's nonconformity, the manufacturer, at its option, is required to either replace the vehicle with a comparable new recreational vehicle, or to accept return of the recreational vehicle and refund to the consumer the vehicle's full purchase price and collateral costs, minus a reasonable allowance for the consumer's use of the vehicle prior to notice of a nonconformity or subsequent use when the vehicle was not out of service for repair.

New law provides that when the consumer receives a new recreational vehicle or refund, the

consumer is required to surrender the certificate of title to the manufacturer not later than 30 days after offer to transfer title or not later than 30 days after the Commission's decision.

New law provides that a seller of a recreational vehicle previously returned to a manufacturer for nonconformity to warranty shall provide a written mandatory disclosure of nonconformity instrument to a buyer and subjects the manufacturer to a fine of not less than $500 nor more than $1,000 for each violation of nondisclosure.

New law provides that its remedies, warranties, and peremptive periods relative to nonconformity defects of recreational vehicles are exclusive as between the manufacturer, dealer, and consumer.

Prior law defined a "motor vehicle" pursuant to motor vehicle warranties to include a motor home and the chassis and drive train of a motor home.

New law removes motor home and the chassis and drive train of a motor home from the definition and removes references to motor homes throughout the motor vehicle warranties law.

Effective August 1, 2021.

(Amends R.S. 32:1253 and R.S. 51:1941, 1943, and 1944; adds R.S. 32:1270.31-1270.41; repeals R.S. 51:1948(E))

Manufacturer-Dealer Warranty Work (ACT 76)

Old law provided that a manufacturer, a distributor, a wholesaler, distributor branch, or factory branch, or officer, agent, or other representative thereof shall be in violation of law for failing to adequately and fairly compensate its dealers for labor, parts, and other expenses incurred by such dealer to perform under and comply with the manufacturer's or a distributor's warranty agreement. New law removes an officer, agent, or representative thereof from the list of potential violators.

Old law prohibited a manufacturer or distributor from paying its dealers at a price or rate for warranty work that is less than that charged by the dealer to the retail customer of the dealer for non-warranty work of like kind. New law adds wholesaler, factory branch, or distributor branch to the list of actors prohibited from engaging in the actions and changes the standard for comparison from the charge for non-warranty work of like kind to the charge for non-warranty qualifying repairs.

New law provides that time allowances for the performance of warranty work shall be reasonable and adequate in relation to the nature and scope of the work, using the actual time required by a qualified technician of ordinary skill to perform the work.

New law provides that the parts mark-up, labor rate, or both customarily charged by the dealer may be established or modified at the election of the dealer by submitting, in writing, to the representative or pre-designated by electronic transmission or tangible delivery, to the manufacturer, distributor, wholesaler, factory branch, or distributor branch, either of the following:

(1) All consecutive repair orders that include 100 sequential qualifying repair orders.

(2) All repairs order closed during any period of 90 consecutive days.

New law provides that a dealer submitting repair orders shall submit the option that produces the fewer number of repair orders. New law provides that in making this determination, the dealer should consider repairs made no more than 180 days before the submission.

New law provides that a dealer seeking to establish or modify the warranty labor rate, parts mark-up, or both shall submit to the manufacturer, distributor, wholesaler, factory branch, or distributor branch either of the following:

(1) A single set of repair orders for the purpose of calculating both the labor rate and parts mark-up.

(2) A single set of repair orders for the purpose of calculating only the labor rate or parts mark-up.

New law provides that a dealer may not establish or modify the parts mark-up or labor rate more than once per a 12-month period.

New law provides for the calculation of parts mark-up and labor rates and excludes certain repair and other services from the calculation.

New law allows the manufacturer, distributor, wholesaler, factory branch, or distributor branch to request additional repair orders from the dealer if it is determined that the parts mark-up, labor rate, or both, calculated in accordance with new law is substantially higher or lower than the rate currently on record with the manufacturer, distributor, wholesaler, factory branch, or distributor branch for labor parts, or both.

New law provides that the manufacturer, distributor, wholesaler, factory branch, or distributor branch has 45 days from receiving the additional repairs to rebut the presumption of accuracy.

New law provides that in order to rebut the presumption the manufacturer, distributor, wholesaler, factory branch, or distributor branch shall do all of the following:

(1) Reasonably substantiate that the submission is materially inaccurate and provide a full explanation of any and all reasons.

(2) Produce evidence validating each reason.

(3) Produce a copy of all calculations used to demonstrate any material inaccuracies.

(4) Produce a proposed adjusted parts mark-up, labor rate, or both, based upon the qualified repair orders submitted by the dealer.

New law provides that the manufacturer, distributor, wholesaler, factory branch, or distributor branch shall not submit more than one rebuttal to the dealer and shall not add, expand, supplement, or otherwise modify any element, including but not limited to any grounds for contesting the parts mark-up or labor rate mark-up, except upon discovery of relevant information that was not known or could not have been known at the time of issuing the rebuttal.

New law provides that if the dealer and the manufacturer, distributor, wholesaler, factory branch, or distributor branch do not agree on the parts mark-up or labor rate, the dealer may file a protest with the Louisiana Motor Vehicle Commission within 60 days of receiving the manufacturer's rejection and proposal.

New law provides that the commission shall notify the manufacturer, distributor, wholesaler, factory branch, or distributor branch and schedule a hearing.

New law provides that if the commission decides in favor of the dealer, any increase in the dealer's parts mark-up or labor rate shall be effective, retroactively, forty-five days following the manufacturer, distributor, wholesaler, factory branch, or distributor branch's receipt of the original submission.

New law provides that if a manufacturer, distributor, wholesaler, factory branch, or distributor branch furnishes a part to a dealer, at a reduced cost or at no cost, to use in performing warranty work, the manufacturer, distributor, wholesaler, factory branch, or distributor branch shall compensate the dealer for the part in the same manner as warranty parts compensation under new law by compensating the dealer on the basis of the dealer's mark-up on the cost for the part as listed in the manufacturer, distributor, wholesaler, factory branch, or distributor branch's price schedule, minus the cost for the part.

New law prohibits a manufacturer, distributor, wholesaler, factory branch, or distributor branch from requiring a dealer to establish the rate customarily charged by the dealer by an unduly burdensome or time consuming method or by requiring the submission of information that is unduly burdensome or time consuming to provide.

(Amends R.S. 32:1262(A))

Louisiana Towing and Storage Act (ACT 206)

Present law provides that when a vehicle is stored by the owner of a towing, storage, or parking facility, the owner of the facility shall send notice by certificate of mailing to the owner of the vehicle at the owner's last known address and to the holder of any lien on the vehicle.

Prior law required that, after 45 days from the original or adjusted date of storage, a final notice be sent to inform the owner and holder of any lien on the stored vehicle that, unless all outstanding charges are paid and the vehicle is claimed or arrangements are made for continued storage, the owner of the storage or parking facility may apply for a permit to sell or a permit to dismantle the vehicle from the Department of Public Safety and Corrections (department). Prior law required the storage or parking facility owner to submit certain evidence, including the original certificate of mailing for the first and final notices, to the department prior to the issuance of a permit to sell or a permit to dismantle.

New law requires that, for a vehicle five years old or newer, the final notice be sent by certified mail, electronic return receipt, and requires the storage or parking facility owner to submit the return receipts for the first and final notices to the department prior to the issuance of a permit to sell or a permit to dismantle. New law provides that, for a vehicle over five years old, the final notice be sent by mail with a certificate of mailing to the owner of a stored vehicle and holder of a lien on the stored vehicle. New law only applies to a vehicle that was a non-consensual tow or nonconsensual storage, and requires any notice relating to a consensual tow or consensual storage be sent by certificate of mailing.

Prior law provided for the procedure for the disposal of junk vehicles and certain vehicles considered abandoned by a parish or municipality, including notice sent to the vehicle owner.

Prior law required the owner-operator to maintain certain records, including proof of mailing the required notice.

Prior law required that the owner-operator have the vehicle physically inspected by a trained and certified Peace Officer Standards and Training certified law enforcement officer. New law removes the provisions of prior law.

New law requires that notice be mailed by certified mail, electronic return receipt, and that the returned receipt be maintained by the owner-operator.

Prior law required that a towing or storage company assess a gate fee of not more than $45. Prior law authorized a towing or storage company to charge a fee of not more than $45 for the retrieval of contents from a stored or towed vehicle at a time other than during normal business hours.

New law instead requires the assessed fees be a fixed fee determined by the Public Service Commission. New law requires the administrative and mailing fees for filing the Official Report of Stored Vehicles for in-state and out-of-state notifications be determined by the Public Service Commission.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 32:1720, 1728, 1728.2, 1728.3, and 1734)

TITLE 33: MUNICIPALITIES AND PARISHES

Brusly Zoning Commission (ACT 74)

Present law authorizes the governing authorities of specified municipalities to pay a per diem to members of their respective municipal planning commissions for attending meetings of any such commission, and provides that the rate of per diem and the number of meetings for which per diem may be paid shall be established by ordinance of the governing authority of each municipality. New law adds Brusly to the list of such municipalities.

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

(Amends R.S. 33:103)

Dodson Police Chief (ACT 358)

Present law provides that an elected chief of police of a village shall be an elector of the village who at the time of qualification as a candidate for said office shall have been domiciled for at least the immediately preceding six months in the village.

New law provides for an exception for the police chief in Dodson. New law provides that a person who resides outside of the corporate limits of the village of Dodson, but within the boundaries of Winn Parish, may be elected chief of police of the village.

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

(Amends R.S. 33:385.1)

St. Tammany Parish Drinking Water (ACT 308)

New law authorizes the governing authority of St. Tammany Parish to require testing for secondary contaminants in water systems in the parish.

New law defines "secondary contaminant" as any substance for which secondary maximum contaminant levels are established in the National Secondary Drinking Water Regulations of the EPA.

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

(Adds RS 33:1236.30)

Civil Service Boards (ACT 280)

Present law creates a municipal fire and police civil service board in each parish, municipality, and fire protection district composed of five members appointed by the respective governing body.

New law additionally requires the respective governing body to conduct a background check on any person being considered for appointment to the board.

New law provides that no person is eligible for appointment or may serve as a member of the board if his background check reveals that he has been convicted of a felony or has committed a civil rights violation in the 10 years immediately preceding his appointment.

(Adds R.S. 33:2476 and 2536)

Zachary Fire and Police Civil Service Board (ACT 67)

New law relative to the municipal fire and police civil service board in the city of Zachary changes the qualifications for a certain board member.

New law requires that the member who is appointed by the governing body upon its own nomination to have been a resident of the city of Zachary, the unincorporated area of East Baton Rouge Parish, or a combination thereof for at least five years preceding his appointment and to be a qualified voter of East Baton Rouge Parish at the time of his appointment.

(Adds R.S. 33:2476(B)(1)(f))

Reemployment of Fire and Police (ACT 312)

New law requires, rather than authorizes, the appointing authority to reemploy an employee who has resigned or retired from the classified fire or police service due to injury or medical condition if the employee meets certain conditions.

Prior law relative to any regular employee who resigns or retires from a position in the classified civil service due to a medical condition or injury, authorizes the appointing authority, if approved by the civil service board, to reemploy any such employee in a position of the class in which the employee was employed immediately preceding resignation or retirement or in a position in any lower class. Prior law required that the employee be qualified for the position.

New law instead requires the civil service board to approve the reemployment of the employee and the appointing authority to reemploy the employee if the employee notifies the board that the employee is able to return to work and has submitted a certification from the treating physician that certifies that the employee is able to perform the essential functions of the position that were required at the time the employee was originally confirmed. New law provides that upon furnishing the notice and certification to the appointing authority, the employee is deemed qualified for the position.

New law provides that prior to reemployment, the appointing authority may have the employee evaluated by another physician. New law provides that the evaluation is for the limited purpose of confirming that the injury or medical condition that resulted in resignation or retirement no longer prevents the person from performing the essential functions of the position. New law provides that if the two physicians disagree, those two are required to select a third physician whose opinion will be determinative.

New law requires the appointing authority to reemploy the employee in a position of the class in which the employee was employed immediately preceding resignation or retirement. New law provides, however, that if no positions are available, the employee may be temporarily employed in a position in any lower class.

New law requires that the employee receive the same pay during temporary placement that the employee would have received if placed in a position in the former class.

New law requires that the employee be placed first on the eligibility list for a position in the former class and requires that the employee remain on the list until reemployed in the former class.

New law provides that the employee cannot be required to retest for a position in the former class or required to serve a working test upon reemployment.

Prior law, relative to any regular employee who resigns or retires from a position in the classified service upon sustaining an injury that is compensable under present law (worker's compensation), requires that the employee be reemployed with the seniority accumulated through the date of reinstatement.

New law instead requires that a regular employee who resigns or retires from a position in the classified service upon sustaining an injury or developing a medical condition during the course and scope of his employment be reemployed with the seniority accumulated through the date of reinstatement.

(Amends R.S. 33:2490 and 2550)

Fire and Police Civil Service (ACT 51)

Prior law provided that the public notice required to be physically posted for a continuous ten-day period prior to the date of administration for tests to determine eligibility of applicants for entry upon the promotional and competitive employment lists maintained by the municipal fire and police civil service board shall also be published on the state examiner's website and the municipality's website, if available, during the ten-day period in which the tests are to be held.

New law provides that the notice be posted both physically and published on the website of the state examiner and, if available, the municipality, for the ten-day period prior to the date of administration.

Prior law provided that in municipalities with a population between 7,000 and 13,000 and 13,000 and 250,000 when a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent or substitute appointment, the appointing authority may make a provisional appointment of any person considered qualified for no more than three months, and successive like periods are not permissible.

New law for both classes of municipalities creates an exception to prior law for vacancies in the classes of entrance firefighter and entrance

police officer. New law provides that when a vacancy arises, the appointing authority may make a provisional appointment of any person considered qualified that shall not exceed sixty days, and prohibits successive appointments.

Effective August 1, 2021.

(Amends R.S. 33:2492, 2496, and 2556)

Zachary Firefighters (ACT 202)

New law requires persons selected for appointment to an entry-level position as a firefighter in the city of Zachary to complete a fire training academy prior to the start of the working test period.

(Amends R.S. 33:2495.3)

Oakdale Deputy Police Chief (ACT 274)

Present law requires the deputy police chief to have at least eight years of full-time law enforcement experience and to at least hold the rank of sergeant in the classified police service at the time of his appointment.

New law provides an exception for the city of Oakdale, and requires the deputy police chief to have at least three years of full-time law enforcement experience and to have successfully completed a certified training program approved by the Peace Officer Standards and Training Council.

Present law provides that the deputy police chief serves indefinitely in the classified competitive position but requires that he be evaluated every three years by the police chief. Present law authorizes the police chief to reconfirm the deputy police chief for another three-year period, or, at his discretion, demote the deputy police chief to his former class of positions.

New law makes an exception for the city of Oakdale, and requires that the deputy police chief be evaluated every year by the police chief. New law authorizes the police chief to reconfirm the deputy police chief for another one-year period, or, at his discretion, demote the deputy police chief to his former class of positions.

(Amends R.S. 33:2541.1)

Plank Road Development District (ACT 221)

New law creates the Plank Road Business Economic Development District as a political subdivision in East Baton Rouge Parish for the purpose of developing the area included within the district in order to provide for substantial economic activity and employment opportunities.

New law provides that the district shall be managed by a board of commissioners comprised of seven members appointed in various ways.

New law provides that the members of the board shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties pursuant to new law.

New law provides that the district shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes.

New law requires the board to prepare or cause to be prepared a plan specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and to conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

Effective upon signature of the governor (June 11, 2021).

(Adds R.S. 33:2740.67.1)

Livingston Parish Ward Two Water District (ACT 144)

New law provides that the membership of the board of commissioners of the Livingston Parish Ward Two Water District shall be comprised of seven members appointed by the parish governing authority.

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

(Adds R.S. 33:3813(C)(7))

NOLA Sewerage & Water Board (ACT 360)

Present law requires the New Orleans Sewerage and Water Bd. to report quarterly to the New Orleans city council relative to its operations, including the percentage of receivables outstanding, including a delinquency schedule.

New law additionally requires that the report contain the total value of receivables outstanding and a copy of the board's policies and procedures for bill collection.

(Amends R.S. 33:4091)

Pipeline Projects and Public Bids (ACT 176)

Existing law allows the authority to contract for the planning, acquisition, construction, reconstruction, operation, maintenance, repair, extension, and improvement of a project or to contract with one or more political subdivisions to perform these functions.

New law grants the authority or participating political subdivision in which the project will be completed the power to require contractors and subcontractors to be prequalified as part of the public bid process, whenever such project includes a pipeline facility, to ensure compliance with federal certification requirements.

Effective August 1, 2021.

(Amends R.S. 33:4546.21)

Acadia Parish Convention and Visitors Commission (ACT 258)

New law changes the total number of directors appointed by the parish governing authority from 11 to 12.

New law authorizes the board to appoint a 13th member to the board. New law requires majority vote for such an appointment, and provides that it need not be made from lists of nominees as provided for by present law.

New law authorizes the board to decide that it will no longer utilize the additional member authorized by new law, but provides that such a decision will become effective only when there is a vacancy in the position.

(Amends R.S. 33:4574)

Livingston Parish Convention and Visitors' Bureau (ACT 146)

New law provides that the commission shall be governed by a board of nine directors rather than the usual seven.

(Adds R.S. 33:4574(F)(11))

Alexandria/Pineville Area Convention and Visitors Bureau (ACT 47)

New law changes the Alexandria/Pineville Area Convention and Visitors Bureau board from a seven-member board to a nine-member board.

Effective August 1, 2021.

(Amends R.S. 33:4574.5)

Tourism Recovery and Improvement Districts (ACT 319)

New law authorizes tourist commissions, for the purpose of facilitating the collection of supplementary funds to market and promote destinations in the state, to create tourism recovery and improvement districts, upon the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either of the following:

(1) The business owners in the proposed tourism recovery and improvement district who will pay more than 67% of the assessments proposed to be levied.

(2) More than 67% of the total assessed businesses by number.

New law requires that all petitions be accompanied by a self-affirmation, valid for one year.

New law requires that the petition include a management plan, including the name and the boundaries of the district and the estimated cost of improvements within the district. New law authorizes the tourist commission to modify the management plan.

New law provides that a tourist commission may, by resolution, propose to levy an assessment on businesses, based on a fixed amount, rate per transaction, fixed rate per transaction per day, percentage of sales, any combination of these methods, or any other method that confers benefit to the payor.

New law requires that the resolution describe the assessment to be levied in general terms, include a statement that the assessment is to be levied pursuant to new law, provide for the collection of the assessment, interest charges, and penalties for delinquent remittance.

New law requires the tourist commission to give notice by mail to the owners of the businesses proposed to be assessed.

New law provides that in a newly created tourism recovery and improvement district the assessment may be levied for a term not to exceed five years, but may be renewed for a term not to exceed 10 years.

New law provides that in order to finance capital improvements with bonds, a district may levy assessments until the maximum maturity of the bonds.

New law provides that if there are no changes to activities, assessment rates, assessment method, or boundaries, the district may be renewed by conducting a public hearing pursuant to new law. New law provides that if there are changes in these categories, the district may be renewed by following the procedures for the petition and public hearing as provided in new law.

New law provides for the allocation of assessment revenues from the prior district.

New law provides that a protest to the levy of an assessment may be made orally or in writing by any interested person, that every written protest be filed with the tourist commission at or before the time fixed for the public hearing, that the tourist commission may waive any irregularity in the form or content of any written protest, and that a written protest may be withdrawn in writing at any time before the conclusion of the public hearing. New law provides with respect to the content requirements of the written protest.

New law provides that if written protests are received from a certain number of business owners then no further proceedings to levy the assessment may take place for one year.

New law requires an assessed business to place the assessment as a mandatory surcharge on the consumer receipt or guest folio. New law requires that all assessments passed through to consumers and guests as surcharges be disclosed on all information or communication platforms of the business in the same manner as other surcharges.

New law provides for the dissolution of a tourism recovery and improvement district by resolution of the tourist commissioners if the district has no outstanding indebtedness and meets either of the following conditions:

(1) During the operation of the district, there shall be a 30 day period each year in which assessees may request dissolution of the district.

(2) The tourist commission must initiate proceedings to dissolve a district upon the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either:

(a) The business owners in the proposed tourism recovery and improvement district who will pay more than 67% percent of the assessments proposed to be levied.

(b) More than 67% percent of the total assessed businesses by number.

New law requires that the resolution state the reason for the dissolution, the time and place of the public hearing, and a proposal to dispose of any assets acquired with the revenues from the assessment.

New law is not applicable to the parishes Jefferson and Orleans.

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

(Adds R.S. 33:4600.1-4600.11)

Police Dog Sales (ACT 149)

New law authorizes a municipality to establish any procedure it deems appropriate for the private sale of a police dog that is no longer needed for police work to a police officer who trained or worked with the dog in exchange for consideration proportionate to the value of the dog.

(Adds R.S. 33:4712(H))

Upper Audubon Security District in Orleans Parish (ACT 307)

Present constitution provides for freezing the assessment level for ad valorem taxes on property with a homestead exemption for an owner whose income is below a certain level ($100,000) and who meets one of several qualifications.

Prior law provided that an owner who qualifies for the special assessment level is exempt from the parcel fee.

New law instead requires that an owner who qualifies for the special assessment prior to Jan. 1, 2022, be charged 50% of the amount charged to other owners.

New law requires the owner to submit to the board documentation from the assessor's office that proves eligibility.

New law cannot be implemented until Jan. 1st of the year following an election at which the imposition of the parcel fee in accordance with new law is approved by district voters.

Effective July 1, 2021.

(Amends R.S. 33:9091.12)

Vista Park Crime Prevention District (ACT 201)

New law creates the Vista Park Crime Prevention District in Orleans Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district.

New law provides that the district shall be governed by a five-member board of commissioners, all of whom shall be residents and qualified voters of the district. New law provides how commissioners are appointed. New law provides relative to the powers and duties of the district.

New law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district. New law provides that the maximum fee shall be as follows: $400 per year for unimproved residential parcels and improved single-family residential parcels; $600 per year for multiple adjacent residential parcels housing a single-family dwelling; $1000 per year for improved multi-family residential parcels and for commercial parcels.

New law provides that the fee expires at the time provided in the proposition authorizing the fee, not to exceed eight years, but authorizes renewal of the fee for a term not to exceed eight years, also subject to voter approval. New law provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes and that any unpaid fee shall be added to the city's tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. New law requires the city to remit amounts collected to the district not later than 60 days after collection, but authorizes the city to retain 1% as a collection fee.

New law requires the district's board to adopt an annual budget and provides that the district shall be subject to audit by the legislative auditor's office.

New law provides that it is the purpose and intent of new law that the additional law enforcement or security personnel and services provided for through the fees authorized by new law shall be supplemental to, and not in lieu of, personnel and services provided in the district by the New Orleans police dept.

Effective upon signature of governor (June 11, 2021).

(Adds R.S. 33:9091.26)

Old Goodwood District (ACT 154)

New law creates the Old Goodwood Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish for the purpose of aiding in crime prevention by providing increased security for the district residents and promoting the beautification and overall betterment of the district.

New law provides that the district shall be governed by a seven-member board of commissioners, all of whom shall be property owners, residents, and qualified voters of the district, and appointed in various ways.

New law provides that members serve without compensation but may receive reimbursement for approved expenses.

New law provides relative to the powers and duties of the district.

New law authorizes the board, subject to voter approval, to impose and collect a parcel fee within the district.

New law provides that the fee shall expire 10 years after its initial levy but authorizes renewal of that fee. New law provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

New law requires the sheriff of East Baton Rouge Parish to collect the fee in the same manner and at the same time as ad valorem taxes and requires that any unpaid fee be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

New law requires the sheriff to remit to the district all amounts collected not later than 60 days after collection. New law authorizes the board to enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

New law provides that the district shall adopt an annual budget in accordance with present law and shall be subject to audit by the legislative auditor's office.

New law provides that it is the purpose and intent of new law that the additional law enforcement personnel and their services provided for through the fees authorized by new law shall be supplemental to and not in lieu of personnel and services provided in the district by the city-parish.

New law requires, if the district ceases to exist, that the imposition of the parcel fee shall cease.

New law provides that no board member or officer of the district shall be liable to the district, or to any individual who resides, owns property, visits, or otherwise conducts business in the district, for monetary damages for breach of duties as a board member or officer, unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law, or any transaction from which he or she derives an improper personal benefit.

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

(Adds R.S. 33:9097.33)

Plantation Trace Crime Prevention and Improvement District (ACT 264)

New law creates the Plantation Trace Crime Prevention and Improvement District in East

Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for the overall betterment of the district.

New law provides that the district shall be governed by a seven-member board of commissioners appointed in various ways.

New law provides for the district's powers and duties.

New law authorizes the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district.

New law provides that the amount of the fee shall be in a duly adopted resolution of the board and shall not exceed $300 per year.

New law provides that the term of the fee expires at the time provided in the proposition authorizing the fee, not to exceed 10 years, but authorizes renewal of the fee for a term not to exceed 10 years, also subject to voter approval.

New law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

New law requires the tax collector to remit to the district all amounts collected not more than 60 days after collection, and authorizes the district to enter into an agreement with the tax collector to authorize the retention of a collection fee, not to exceed 1% of the amount collected.

New law requires the district's board to adopt an annual budget in accordance with the La. Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

New law provides that it is the purpose and intent of new law that the additional law enforcement personnel and their services provided for through the fees authorized by new law shall be supplemental to, and not in lieu of, personnel and services provided in the district by publicly funded law enforcement agencies.

New law provides that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

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

(Adds R.S. 33:9097.33)

TITLE 34: NAVIGATION AND SHIPPING

Avoyelles Parish Port Commission (ACT 332)

New law reduces the number of commissioners from nine to five and reduces the number of required minority members from three to one. New law modifies prior law to no longer require that one member be domiciled in each police jury district nor appointments be subject to Senate confirmation.

Prior law required each member of the police jury of Avoyelles Parish to submit a list of three nominees from his respective district to the legislators representing House District 28, Senate District 28, and Senate District 32 and required a majority of the legislators to appoint one nominee from each list of nominees to serve as commissioners.

New law modifies prior law by requiring the police jury to select two commissioners, the town of Simmesport to select one commissioner, the representative of House District 28 to select one commissioner, and the senators representing Senate District 28 and Senate District 32 to collectively select one commissioner.

Prior law required any commissioners appointed to serve a term of four years.

New law requires the existing commissioners to remain until their termed year, and modifies prior law to require commissioners to serve a four-year term after commissioners serve staggered terms.

New law requires the terms of the respective members be determined by a random selection at the first meeting of the board. New law requires the term end on Jan. 31st of the termed year, the selection process to commence on Feb. 1st, and the selection process to be completed within 30 days.

Effective June 14, 2021.

(Amends R.S. 34:1801)

Caddo-Bossier Parishes Port Commission (ACT 152)

New law modifies the rights and powers to provide that the commission will not be subject in any respect to the authority, control, or supervision of any local regulatory body or any political subdivision.

New law authorizes the commission to perform the functions of an economic and industrial development entity.

Present law provides for the rights and powers for economic and industrial growth for a commission of a port that is not a deep water port and has a population of not less than 250,000 and not more than 400,000 within its jurisdiction.

New law specifies that the utility service providers must comport with applicable law and Public Service Commission orders for facilities constructed or acquired by the commission.

New law requires the commission to hold a specially called annual meeting to fully advise the public of projects located in the port area that may affect adjacent landowners.

(Amends R.S. 34:3159 and 3160; Repeals R.S. 34:3522)

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

Notarial Course Providers (ACT 24)

Old law required providers of notarial courses of instruction for the Louisiana notary public examinations to submit a semiannual report to the secretary of state listing the name and address of each person receiving courses from the provider.

New law repeals old law.

(Amends R.S. 35:191.4)

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

State ADA Coordinator (ACT 452)

New law creates the office of the state Americans with Disabilities Act coordinator (the "office"), within the division of administration. The office shall be administered by an executive director who shall have the title of state ADA coordinator.

New law provides that the office shall have the following functions, powers, and duties relating to the Americans with Disabilities Act (ADA):

(1) To serve as the coordinating body for ADA compliance for all state agencies within the executive branch of state government.

(2) To assist state agencies in updating, strengthening, and enhancing the scope of self-evaluation and transition plans to ensure compliance with the ADA mandate.

(3) To provide reports and recommendations to the legislature for the adoption of legislation to facilitate compliance with the ADA.

(4) To offer subject matter expertise for all matters relating to the ADA.

(5) To conduct general and customized training on ADA topics for state agencies.

(6) To provide informal technical assistance about the ADA to the general public and collaborate with local ADA support systems.

(7) To increase public awareness of the ADA for the purpose of helping more citizens to understand the letter and the spirit of the law.

(Adds R.S. 36:4(B)(1)(o) and R.S. 46:2591-2599)

Re-Organization of Title 36 (ACT 20)

New law makes structural changes to the organization of Title 36.

Present law, when creating or placing an agency within one of the departments in the executive branch of the state government, defines the authority of that agency. Within present law, there are six different categories of authority, which are known as "transfer types" or "transfer type authority".

Old law used a "double cross-referencing" system to grant agencies authority within the executive branch. In the old law double cross-referencing system, a Section placing an agency within an executive branch department would contain a reference to the specific transfer type authority. Then, in the Sections governing the transfer types, there would be a reference to some, but not all, of the agencies that fall under this type.

Exceptions to the general transfer type authorities were governed by specific statutory Sections under old law. These "exception Sections" contained a reference to the general transfer type authority statute that the exception fell under. The Sections placing individual agencies with an exception to the general transfer type authority into its executive branch department would contain a reference to the exception Section, but not a reference to the general transfer type authority.

New law removes the double cross-referencing system. New law updates the individual agency statutes to always reference their general transfer type authority. If an agency has an exception to the general transfer type authority, then new law lists the exception in the Section placing the agency within its executive branch department.

Present law can grant authority to an agency that is not within the transfer type system. These agencies will have authority "as provided by law", and will have their own Sections granting the agency individualized powers, duties, functions, and responsibilities within their respective Titles. New law retains present law.

Present law places certain museum facilities and their governing boards under the control of the Dept. of State, and defines the powers, duties, functions, and responsibilities of the governing boards. The old law Sections defining some of these powers were located in the Chapter governing transfer type authority; however, the museum boards do not have authority derived from a transfer type or transfer type exception.

New law removes the references to the museum facilities from R.S. 36:744. New law additionally removes the authority granting Sections from the Chapter on transfer type authority and adds it to the provision in R.S. 36:744 which defines the general powers, duties, functions, and responsibilities of the governing boards.

New law retains present law individualized powers, duties, functions, and responsibilities found in Title 25.

New law contains a lengthy table indicating the old and new citations for numerous subsections of Title 36.

(Amends R.S. 3:732 and 2054, R.S. 17:2048.61, R.S. 23:1294, numerous sections of Title 25 and Title 36, R.S. 42:808, R.S. 51:1253, and §3 of Act No. 180 of the 2020 R.S.; Adds R.S. 36:4.1(B); repeals numerous sections of Title 36)

TITLE 37: PROFESSIONS AND OCCUPATIONS

Telemedicine (ACT 266)

Prior law relative to the practice of medicine provided the following definition for the term "telemedicine":

"Telemedicine" means the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data using interactive telecommunication technology that enables a health care practitioner and a patient at two locations separated by distance to interact via two-way video and audio transmissions

simultaneously. Neither a telephone conversation nor an electronic mail message between a health care practitioner and patient, or a true consultation as may be defined by rules promulgated by the board pursuant to the Administrative Procedure Act, constitutes telemedicine for the purposes of this Part (R.S. 37:1261 et seq.).

New law revises this definition and defines the term as follows:

"Telemedicine" means the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using technology that enables the physician and a patient at two locations separated by distance to interact. Such technology may include electronic communications, information technology, asynchronous store-and-forward transfer technology, or technology that facilitates synchronous interaction between a physician at a distant site and a patient at an originating site.

New law stipulates that the term "telemedicine" shall not include any of the following:

(1) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

(2) Facsimile transmissions.

New law provides that no provision of existing law regulating the practice of medicine shall apply to a consultation without limitation between a practicing physician licensed in this state and a practicing physician licensed in another state or jurisdiction.

Existing law known as the Louisiana Telehealth Access Act defines "healthcare provider", for purposes of that law, to mean any one of several types of licensed health professionals other than physicians.

Prior law within the Louisiana Telehealth Access Act provided the following definition for the term "telehealth":

"Telehealth" means a mode of delivering healthcare services, including behavioral health services, that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from healthcare providers. Telehealth allows services to be accessed when providers are in a distant site and patients are in the originating site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store-and-forward transfers.

New law revises this definition and defines the term as follows:

"Telehealth" means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data.

New law stipulates that the term "telehealth" shall not include any of the following:

(1) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

(2) Facsimile transmissions.

Effective August 1, 2021.

(Amends R.S. 37:1262 and 1291 and R.S. 40:1223.3(6)(a))

Real Estate Licenses and Education (ACT 193)

Present law requires an individual real estate broker or salesperson, in order for the license to be renewed, to provide proof of completing

12 hours of continuing education coursework in areas including but not limited to laws, rules, and regulations relative to licensing, appraisal finance, taxes, zoning, environmental quality, and the U.S. Dept. of Housing and Urban Development.

New law removes the provision stating that the license shall not be renewed.

New law changes the continuing education requirement relative to the U.S. Dept. of Housing and Urban Development to require that the coursework pertain to the rules and programs promulgated or administered by the U.S. Dept. of Housing and Urban Development.

New law prohibits the La. Real Estate Commission from allowing a licensee to complete less than 12 hours of continuing education to satisfy the requirements of law and provides that failing to timely complete such continuing education is a violation of law.

Present law allows a licensee in good standing to place a license in inactive license status by submitting the transfer application and paying certain fees. New law adds that transfer to inactive status be done prior to the expiration of the license.

Prior law provided for the process for transferring an expired license to inactive license status. New law repeals prior law.

Prior law allowed the La. Real Estate Commission to issue licenses, certificates, and registrations. New law removes certificates.

Prior law provided that each license or registration is issued for one year and expires on December 31st following the date that the license was issued. Prior law required a license or registration to be renewed by January 1st or it expires. New law requires each license or registration to be renewed timely on or before September 30th each year.

Prior law provided a delinquent fee schedule based on the time frame that active licensees and inactive licensees renew the expired license or registration. New law revises the time frames.

Prior law provided for the delinquent renewal of an expired license or registration within a three month period immediately following the expiration date of the active license or registration. New law repeals prior law.

Prior law provided that failure to delinquently renew an expired license or registration within the required three-months period results in a forfeiture of renewal rights and requires the former licensee to apply as an initial applicant.

New law changes the applicability from an expired license to a license and adds that delinquent renewal be done by Dec. 31 to avoid forfeiture.

New law states that the requirement that the former licensee who fails to delinquently renew apply as an initial applicant does not require the licensee to complete the 90 hours of real estate coursework required prior to initial licensure.

Prior law allowed timeshare registrants who fail to renew timely to pay a delinquency renewal fee within three months of the expiration of their registration. New law repeals prior law.

New law allows for a grace period from Jan. 1, 2023 through Jan. 31, 2023 in which a licensee applying for delinquent renewal can do so without having to reapply as an initial applicant and makes this grace period effective from April 1, 2022 to Feb. 1, 2023.

Effective April 1, 2022.

(Amends R.S. 37:1437, 1437.3, 1442, and 1443)

Dependents of Healthcare Professionals (ACT 279)

New law provides that, notwithstanding any other provision of existing law to the contrary, a professional or occupational licensing board shall issue a license, certification, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional in

accordance with the provisions of new law if all of the following conditions are met:

(1) The healthcare professional has relocated to and established his legal residence in Louisiana.

(2) The healthcare professional holds a valid license to provide healthcare services in Louisiana.

(3) The healthcare professional is providing healthcare services in Louisiana.

New law specifies that new law shall not apply to any of the following: (1) an occupation regulated by the state supreme court, (2) a license issued and regulated under the authority of the judicial branch of government, (3) any person covered under the Nurse Licensure Compact, and (4) any person who obtains licensure or registration on a nationwide licensing or registry system.

New law requires a person who is a dependent of a healthcare professional to apply to the appropriate professional or occupational licensing board in order to receive a license from that board. New law allows for the applicant to become licensed by a professional or occupational licensing board through one of the following means:

(1) Licensure by endorsement or reciprocity if that function is provided for in existing law.

(2) If the applicant holds an out-of-state license, but licensure by endorsement or reciprocity is not provided for in existing law, by providing proof of all of the following:

(a) The applicant holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the professional or occupational licensing board in this state.

(b) The applicant has held the occupational license in the other state for at least one year.

(c) The applicant has passed any examinations or met any education, training, or experience standards required by the licensing board in the other state.

(d) The applicant is held in good standing by the licensing board in the other state.

(e) The applicant does not have a disqualifying criminal record as determined by the professional or occupational licensing board in this state in accordance with existing law of this state.

(f) The applicant has not had an occupational license revoked by a licensing board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

(g) The applicant did not surrender an occupational license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state.

(h) The applicant does not have a complaint, allegation, or investigation pending before a licensing board in another state which relates to unprofessional conduct or an alleged crime. New law stipulates that if the applicant has such a complaint, allegation, or investigation pending, the board in this state shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board in this state.

(i) The applicant pays all applicable fees in this state.

(j) The applicant simultaneously applies for a permanent license.

(3) Licensure based on work experience in a state that does not use a license or government certification to regulate the applicant's occupation, if the applicant has at least three years of such work experience and meets other applicable requirements of new law.

New law authorizes professional and occupational licensing boards to require an applicant to pass a jurisprudential examination

specific to relevant state laws pertaining to the applicant's occupation, if required by existing law or existing administrative rule.

New law provides for issuance of written decisions regarding applications for licensure pursuant to new law and for appeals of actions, decisions, and determinations made by licensing boards in accordance with new law.

New law stipulates that new law shall preempt any laws or ordinances of local governments which regulate occupational licenses and government certification.

New law provides that nothing therein shall be construed to prohibit an applicant from proceeding under licensure, certification, or registration requirements established in existing law.

Effective August 1, 2021.

(Adds R.S. 37:1751)

Contract Bidding Process (ACT 48)

Present law requires that only contractors holding an active license may be awarded contracts either by bid or through negotiation and that the contractor's license number be displayed on the bid envelope or an authentic digital signature in the case of an electronic bid.

Prior law required that if bids are to be received or forms furnished by an awarding authority, then no proposal forms or specifications can be issued to anyone except a licensed contractor or his representative. New law repeals the provisions limiting the issuance of proposal forms or specifications to a licensed contractor or his representative only.

Effective August 1, 2021.

(Amends R.S. 37:2163(B))

La. State Board of Examiners of Psychologists (ACT 238)

New law adds that the Board shall charge an application fee for each assistant to a psychologist that shall not exceed $50. Such fee shall be charged in the month of July of each year, beginning in the year immediately subsequent to initial registration.

Present law provides that a person licensed by the Board shall annually pay a fee during the month of July of each year which shall not exceed an amount set by the Board.

New law retains adds that the Board shall set a renewal fee not to exceed $50 for every assistant to a psychologist.

New law provides that the Board shall assess an application and renewal fee, not to exceed $250, to an individual who sponsors a continuing professional development course or activity and who wishes for the Board to review and pre-approve the course or activity.

New law provides that the Board shall assess an application fee to a licensee who seeks renewal and pre-approval of a continuing professional development course or activity, not to exceed $25. The application fee shall only apply if a licensee intends to earn a credit for a course or activity in which the sponsor has not sought review or obtained approval by the Board.

New law stipulates that the Board may collect reasonable admission fees from a licensee who attends a continuing professional development course or activity that is offered, sponsored, or co-sponsored by the Board.

New law provides that the Board shall not require attendance for a course or activity which may be offered, sponsored, or co-sponsored; such activity shall be an elective for a licensee who chooses to attend.

New law provides that the Board may assess fees not to exceed $200 for certain special services identified by the Board.

New law names Section 16 of Act No. 251 of the 2009 Regular Session of the Legislature of Louisiana "The Dr. James W. Quillin, MP, Medical Psychology Practice Act".

(Adds R.S. 37:2354)

Hearing Aid Dealer Education (ACT 82)

Prior law required individuals licensed by the La. Board of Hearing Aid Dealers to complete 15 hours of continuing education to reinstate or renew their license. New law reduces the number of required continuing education hours from 15 to 12.

Prior law allowed a maximum of seven continuing education hours to be earned through the internet or correspondence courses. New law reduces the maximum number of hours from seven to four.

Effective January 1, 2022.

(Amends R.S. 37:2446.1)

Louisiana Social Work Practice Act (ACT 215)

New law defines "social worker" to mean a person who holds a degree in social work, having successfully completed an undergraduate or graduate level academic social work program.

Prior law provided that five years of experience is necessary for any registered social worker (RSW), licensed master's social worker (LMSW), or licensed clinical social worker (LCSW) to serve on the Louisiana State Board of Social Work Examiners. New law reduces the experience necessary to serve on the Board to three years.

Prior law provided that an individual beginning practice as a social worker shall submit an application for credentials within 90 days of commencing practice. New law provides that all components of application for licensure, certification, or registration shall be completed within 90 days of commencing practice.

New law deletes prior law requiring that the Board, at each meeting, update the listing of licensed, certified, and registered social workers and make that list available to the public.

Prior law provided that an applicant for LCSW licensure must have completed 5,760 postgraduate hours of social work practice, including 3,840 hours practicing social work under the supervision of a board-approved clinical supervisor. New law reduces the required experience to 3,000 hours over a minimum of two years and a maximum of four years and provides that the Board may extend this timeframe if circumstances warrant.

New law deletes a requirement that the home state of an applicant grant reciprocity to Louisiana applicants there in order for the applicant to be licensed by reciprocity here.

New law revises prior law relative to licensure, certification, or registration by reciprocity or endorsement of credentials to provide that any social worker from another state, territory, commonwealth, or the District of Columbia seeking authority to practice in this state through reciprocity or endorsement shall comply with the following:

(1) Be credentialed and in good standing with the social work regulatory board or agency based on substantially equivalent educational, supervision, and examination requirements for a Louisiana LCSW, LMSW, RSW, or certified social worker.

(2) Pass an open-book examination on the Act, including all applicable laws and rules, regulations, standards, and procedures adopted by the Board.

(3) Pay the fee prescribed by the Board.

New law stipulates that if a state, territory, commonwealth, or the District of Columbia does not have credentialing requirements for social workers that are substantially equivalent to those of this state, the Board may require a social worker to obtain the requisite educational, supervision, and examination requirements in accordance with present law and new law.

New law provides that the Board may license an applicant if the applicant passes the Board exam on the Act and the rules, standards, and procedures of the Board.

Prior law provided that the Board shall mail an application for renewal of a license, certificate, or registration to each person to whom a license, certificate, or registration was issued or renewed during the current year. New law requires the Board to provide notice for renewal of a license, certificate, or registration.

Prior law provided that the renewal of a license, certificate, or registration which has lapsed for a period in excess of three months but less than six months may be effected upon submission to the Board of a renewal application accompanied by a fee, which shall be twice the amount of the normal renewal fee specified by the Board. New law extends applicability of prior law to a license, certificate, or registration which has lapsed for six months or less.

New law provides that for the renewal of any license, certificate, or registration which has lapsed for at least six months but not more than 60 months, the applicant shall submit proof of completion of 20 hours of approved social work continuing education and pass the board exam on the Act and rules, standards, and procedures prior to reinstatement. New law provides that continuing education requirements for LCSW applicants whose licenses have lapsed for this period shall include at least 10 hours of clinical content and three hours of ethics training. New law provides that continuing education requirements for LMSW and RSW applicants whose licenses have lapsed for this period shall include at least three hours of ethics training.

New law provides that for the renewal of any license, certificate, or registration which has lapsed for more than 60 months, the applicant shall submit proof of completion of 40 hours of approved social work continuing education and pass the Board exam on the Act and the rules, standards, and procedures prior to reinstatement. New law provides that continuing education requirements for LCSW applicants whose licenses have lapsed for this period shall include at least 20 hours of clinical content and three hours of ethics training. New law provides that continuing education requirements for LMSW and RSW applicants whose licenses have lapsed for this period shall include at least three hours of ethics training.

New law provides that no individual shall assume the title "social worker" until that person has successfully completed an undergraduate academic social work program or a graduate level academic social work program.

Prior law provided that the Board may deny, revoke, or suspend any license, certificate, or registration issued by the Board or applied for, or otherwise discipline a social worker for certain enumerated causes, including the use of drugs or intoxicating beverages to an extent which affect a social worker's professional competence.

New law revises prior law to provide that the Board may discipline a social worker for incapacity or impairment due to the use of drugs or intoxicating beverages that prevents the social worker from engaging in the practice of social work with reasonable skill, competence, and safety to the public.

New law adds practicing social work with a lapsed license, certificate, or registration as a cause for denial, revocation, or suspension of a license, certificate, or registration.

New law deletes prior law requiring that the state shall be a party to the prosecution of all disciplinary actions and hearings before the Board pertaining to the suspension or revocation of a license, certificate, or registration and that the attorney general shall appear on behalf of the state.

New law authorizes the Board to issue a cease and desist order to stop an individual from engaging in an unauthorized practice or violating or threatening to violate a statute, rule, or order which the Board has issued or is empowered to enforce. New law provides that the cease and desist order shall state the reason for its issuance and notice of the individual's right to request a hearing.

New law provides that any individual whose license, certificate, or registration has been revoked or suspended shall return the license, certificate, or notice of registration to the office of the Board no later than 10 calendar days after a notice of revocation or suspension.

Prior law authorized the Board, in the name of the people of the state, through the attorney general, to apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any enumerated prohibited act. New law removes the requirement that the Board apply in the name of the people of the state through the attorney general.

Prior law provided that an individual may hold a social worker certificate for no more than three years from the issuance of the original certificate and requires the individual to take an examination approved by the Board within the first six months after certification and annually for the next two and a half years or until they have achieved a passing score. New law removes the requirement for the individual to take the examination.

Effective January 1, 2022.

(Amends R.S. 37:2704, 2705, 2706, 2708, 2709, 2712 , 2713, 2714, 2716, 2717, 2721, and 2724; adds R.S. 37:2703(19) and 2715(F))

Louisiana Board of Massage Therapy (ACT 324)

New law mandates the Louisiana Board of Massage Therapy to submit fingerprint cards and other identifying information of persons seeking licensure to the Louisiana Bureau of Criminal Identification and Information and requires the Bureau, upon receipt of the fingerprints and other identifying information, to produce all conviction information contained within its criminal history record and identification files.

New law mandates that the fingerprints obtained by the Board be forwarded to the FBI from the Bureau in order to have a nation-wide criminal history record check performed.

Present law provides that the practice of massage therapy may include the use of lubricants such as salts, powders, liquids, creams (with the exception of prescriptive or medicinal creams), heat lamps, hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, or steam cabinet baths.

New law adds that massage therapy may include, with appropriate training, the use of certain electromechanical devices.

Prior law provided that electrotherapy shall not be identified as a practice of massage therapy. New law provides instead that ultrasound, the use of electrical muscle stimulation, or transcutaneous electrical nerve stimulation shall not be identified as a practice of massage therapy.

Present law provides that a license for massage therapist shall not be applied to certain persons.

Present law provides that a person who is licensed or certified in this state under any other provision of present law shall not be prevented or restricted from engaging in the profession for which such person is licensed and which may provide massage or bodywork therapy to a person.

New law adds that a person licensed or certified in this state under any other provision of present law shall not hold himself out to the public as a licensed or certified massage therapist pursuant to present law.

New law adds that rules and regulations shall be promulgated within 120 days following any new changes to provisions of present law.

New law adds additional powers and duties to the Board, including:

(1) Prioritize inspections and incorporate risk factors for complaints made to the Board regarding any unlicensed activity by massage therapists or massage establishments.

(2) Include a list of observations for inspections to determine if a massage establishment is operating as a sexually oriented business.

(3) Submit the names of new applicants for licensure to the Bureau to conduct state and federal criminal background checks.

New law provides that the Bureau may charge the Board a fee in accordance with present law for conducting and reporting a search.

Present law provides that a person who holds a valid, current, and unexpired license or registration to engage in the practice of massage therapy in another state, territory, commonwealth, or the District of Columbia, and has maintained the standards and requirements of practice and licensure or registration that substantially conform to the requirements enforced in this state, shall not have to pay the application fee and submit evidence satisfactory to the Board to become licensed in this state.

New law adds that the Board shall verify the validity of the documents submitted with that state's licensing or registration agency and obtain any transcript information directly from the school identified by the applicant.

Present law provides that the Board shall issue a license to each person who meets the qualifications and submit payment to obtain such license, and that the license will be identified as a Licensed Massage Therapist Identification Card.

New law adds that the license shall be issued and delivered by United States Postal Service or other nonelectronic delivery options to the licensee and that the license shall contain an anti-copy watermark or lamination.

New law requires that the applicant, designated responsible parties, and any owners provide written consent to the Board to request and obtain state and national criminal history record information as a condition for consideration of an application for licensure.

New law provides that the Board may charge and collect from the application the amount incurred by the Board in requesting and obtaining state and national criminal history record information.

New law requires the Board to provide each applicant with a copy of the written standards and requirements that shall be met by an applicant to obtain a license.

New law provides that the Board may request and obtain state and national criminal history record information from the Bureau and the FBI relative to any applicant, designated responsible party, or owner whose fingerprints the Board has obtained for the purpose of determining an applicant's eligibility.

New law provides that the Board may request other identifying information upon the submission of fingerprints as may be required.

New law provides that the Bureau shall conduct a search of its criminal history record information relative to the applicant, designated responsible party, or owner and report the results of its search within sixty days from receipt of a request.

New law provides that if the criminal history record information reported by the Bureau to the Board does not provide grounds for disqualification of the applicant for licensure, the Board may forward the fingerprints and other identifying information as may be required to the FBI, with a request for a search of national criminal history record information.

New law provides that any and all state or national criminal history record information obtained by the Board from the Bureau or FBI that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the Board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure.

New law provides that, except with the written consent of the individual or by order of a court of competent jurisdiction, no information or records shall be released or disclosed by the Board to any other person or agency.

New law provides that no massage establishment shall be eligible for licensure absent satisfactory submission of evidence to Board.

Present law provides that a licensee has to renew its license annually and meet the continuing education requirements provided for in the Administrative Procedure Act.

New law adds that any excess continuing education credits may only be applied to the year following a licensee satisfying the renewal requirements. New law shall become effective with the renewal cycle of April 1, 2022.

New law further requires renewing applicants to submit to state and federal background checks.

Present law sets forth the grounds for and methods of discipline of a licensee and by the Board.

New law adds the Board shall perform a review of any massage therapist that has been disciplined in accordance with present law within one calendar year of the infraction or reinstatement of license.

New law adds the Board shall immediately suspend a license pending a disciplinary hearing for any review of a massage therapist which reveal any violations of present law.

New law provides the Board shall also perform an inspection of any massage establishment that has been disciplined in accordance with present law within one calendar year of the infraction or reinstatement of license.

New law adds the Board shall immediately suspend a license or registration of an establishment for failure of a follow-up inspection.

New law adds that the Board shall impose a fine or penalty on massage establishments who continue to operate without a license.

New law provides that the Board shall conduct training for its board members, staff, and contract inspectors on how to identify human trafficking.

New law provides that the Board shall coordinate with law enforcement agencies or other stakeholders to help address any activity related to human trafficking in the massage industry.

New law provides that human trafficking training opportunities shall commence no later than ninety days following the effective date and continue on an annual basis thereafter. New law provides that failure to participate in training shall be grounds for removal.

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

(Amends R.S. 37:3552, 3553, 3555, 3556, 3561; Adds R.S. 15:587(A)(1)(k) and R.S. 37:3558(A)(4) and (E), 3563(E)-(G), and 3568; Repeals R.S. 37:3562(A)(8) and (B))

Louisiana Behavioral Analyst Board (ACT 59)

Prior law provided that members of the board shall serve at the pleasure of the governor and a vacancy in an unexpired term shall be filled in the manner of the original appointment.

New law provides that each member of the board shall be appointed for a term of four years and that a vacancy in an unexpired term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

New law applies to the terms of the members of the board appointed prior to the effective date of new law.

Effective August 1, 2021.

(Amends R.S. 37:3703)

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Southeast La. Flood Protection (ACT 90)

Prior law provided that no provision of law providing the Southeast Louisiana Flood Protection Authority-East or Southeast Louisiana Flood Protection Authority-West Bank with any authority over and management, oversight, and control of the areas and levee districts provided for in prior law made the taxes levied by, or other

revenue of, a levee district within the territorial jurisdiction of the authority payable for the liability of another levee district, or for any liability of the authority when acting on behalf of another levee district.

Prior law restricted revenue from taxes levied by an authority or a levee district to be used or expended for a purpose of the authority or levee district where the tax is levied and revenue is collected.

New law provides that notwithstanding prior law, taxes and other revenues generated in one or more levee districts within the jurisdiction of a levee authority may be used within any portion of the territorial jurisdiction of the authority if use of the funds will benefit all or a portion of the authority and the levee districts from which the taxes or revenues are generated.

Effective August 1, 2021.

(Amends R.S. 38:330.3; adds R.S. 38:330.3(B)(4) and 330.8(D))

Public Works Bidding and Acceptance (ACT 205)

Present law requires public entities to promptly pay all obligations arising under a public contract when they become due and payable. New law adds payment of approved change orders.

Present law requires public work contracts exceeding contract limit to be advertised and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised. Present law requires that public entities advertising for public work use only the Louisiana Uniform Bid Form and that the bidding documents include specific information.

New law adds that any change by a bidder to the bid prior to its submission must be scratched through and initialed by the bidder or the person submitting the bid and that the change as initialed is binding.

New law provides that as to electronic bid submissions, the last timely submission by each and any bidder is binding.

New law requires that change orders be processed and issued by the public entity no later than 40 days following final execution of the change order.

Present law provides for acceptance of work by a governing authority not later than 30 calendar days after its completion or substantial completion of the work.

Present law provides the acceptance not be executed except upon recommendation of the design professional hired by the public entity, whose recommendation may not be later than 30 calendar days after completion or substantial compliance.

New law adds that the acceptance as recommended by the design professional must be made not later than 30 calendar days and requires that the public entity not take, use, or occupy the public work or use or occupy the specified area of the public work until substantial completion is filed, unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor.

Effective August 1, 2021.

(Amends R.S. 38:2191, 2212, 2222, and 2241.1)

Public Works by DOTD (ACT 219)

Prior law required public work, including labor and materials, exceeding the contract limit undertaken by a public entity to be advertised and awarded by written contract to the lowest responsible bidder who bids according to the bidding documents as advertised.

New law excludes the La. Dept. of Transportation and Development (DOTD) from Title 38 provisions of advertising and awarding to the lowest bidder for public work contracts; DOTD advertises and awards public works contracts pursuant to Title 48.

New law provides that all DOTD contracts shall require a contractor to agree to comply with a legislative subpoena.

Effective August 1, 2021.

(Adds R.S. 38:2212(A)(1)(c) and R.S. 48:252(I))

Expedition of Bid Disputes (ACT 260)

New law requires that a public entity, in the event of an interested party or bidder who files for an injunction or writ of mandamus, is required to receive a trial within 30 calendar days of filing suit in the district court.

New law requires a final judgement to be rendered not more than 15 calendar days after the conclusion of the trial.

New law requires a public entity to award a public works contract in accordance with the rendered judgment no later than 45 days after the judgment, unless a timely suspensive appeal is filed.

New law reserves a public entity's right to a suspensive appeal. New law requires only the public entity to take a suspensive appeal within 15 days of the rendered final judgment, unless waived.

New law requires the suspensive appeal be returnable to the appropriate appellate court not more than 15 calendar days from the rendered final judgment.

New law requires the suspensive appeal be expedited and heard no later than 30 calendar days from the return of the appeal.

New law provides under no circumstance may an awarded bidder agree to relinquish or to compromise its award status in favor of another bidder.

Effective August 1, 2021.

(Amends R.S. 38:2215)

Professional Services Procurement (ACT 200)

Existing law specifies that state policy is to select providers of design professional services on the basis of competence and qualifications for a fair and reasonable price.

Existing law prohibits the selection of design professional services where price or price-related information is a factor in the selection.

Existing law declares that state policy is that all records regarding the selection of design professional services shall be open to the public in accordance with existing law regarding the right to examine public records.

New law changes the applicability from providers of design services when selecting design professional services to architects, engineers, landscape architects, and land surveyors when selecting architectural and engineering professional services.

Effective August 1, 2021.

(Amends R.S. 38:2318.1)

Cypress Black Bayou Recreation and Water Conservation District (ACT 476)

Present law requires any vacancies in the office of commissioner due to death, resignation, or other causes be filled by the remaining commissioners for the unexpired term. New law requires any such vacancy to be filled by the appointing authority that the commissioner represented within 45 days, and provides for the appointment by the remaining board of commissioners if the appointing authority fails to timely do so.

New law requires the board of commissioners to notify each appointing authority as to the expiration date of that appointing authority's appointment to the board of commissioners by August 15, 2021.

Present law provides for a five year term for each member of the board of commissioners. New law requires the member to vacate the office at the

end of the term notwithstanding continuity of government provisions in present law.

New law provides for removal procedures for a member of the board of commissioners for cause that includes but is not limited to conflicts of interest, failure or refusal to perform the prescribed duties, conduct having a material adverse effect on the work of the district, conduct which meets the definition of a misdemeanor or felony in violation of local, state, or federal law, or failure to attend at least ½ of the meetings of the board of commissioners in any 12 month period.

New law requires the appointing authority to conduct a public removal hearing to remove its appointed commissioner to the board of commissioners upon a written petition by the appointing authority, the board of commissioners of the district, or by at least 500 owners of immovable property within the district. New law requires the petition list each charge against the commissioner whose removal is sought and service of the petition on the commissioner.

New law provides for a public hearing to be conducted by the appointing authority within 30 days after notice and for hearing procedures.

New law has no effect on present law dual office holding provisions.

Present law provides for required actions of the members of the board of commissioners immediately after the members have been appointed by the governor. New law provides for required actions of the members of the board of commissioners immediately after the members have been appointed by an appointing authority.

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

(Amends R.S. 38:2603, 2604, and 2606; adds R.S. 38:2604.1)

Capital Area Groundwater Conservation District (ACT 330)

Present law establishes a Capital Area Groundwater Conservation District and authorizes its board of commissioners to charge users within the district based on the annual rate of use and assessed on the basis of units of water used.

New law grants the board additional authority to assess costs against all users within the district for capital expenditures, and allows the board to assess such costs based on annual flows or specific costs for wells to individual users based on capital, debt service, and operation and maintenance costs.

New law provides what constitutes costs and other parameters deemed necessary to conserve and protect groundwater resources.

New law authorizes the board to assess monthly late fees for failure to pay monthly or quarterly invoices, not to exceed $25 per month or 1.5% per day of the balance due, whichever is greater, calculated beginning 30 days after the due date.

New law authorizes the board to charge an application fee not to exceed $2,000 for each application for a new or upgraded well.

(Amends R.S. 38:3076)

Teche Vermilion Freshwater District (ACT 361)

Existing law specifies that the membership of the board of commissioners is to be made up of one member from each of the parishes constituting the district, to be selected and appointed by the governing authority of their respective parishes, and one member from St. Landry Parish, to be selected and appointed by the governing authority of the parish, who shall only have the right to vote on matters pertaining to drainage and flooding.

New law adds one member domiciled within the jurisdictional boundaries of the district who is a civil engineer or a civil engineer, with a focus in hydrology, to serve in an advisory role, without

having the right or privilege of voting, selected by the governor from a pool of four candidates, one each from Iberia, Lafayette, St. Martin, and Vermilion Parishes, agreed on and selected by the members of the House of Representatives and the Senate whose districts, or a part thereof, are within the jurisdictional boundaries of the district.

Effective January 8, 2022.

(Amends R.S. 38:3086.3)

TITLE 39: PUBLIC FINANCE

Superdome, Hurricane, Federal, and Other Funds (ACT 448)

Superdome Fund

Present law creates the La. Superdome Fund and requires the deposit of certain proceeds from the settlement of certain lawsuits into the fund. New law removes the requirement that the La. Stadium and Exposition District's portion of the proceeds received from the settlement be deposited into the fund.

Present law requires that monies in the fund be used exclusively to partially defray the cost of upgrades to certain state facilities by the La. Stadium and Exposition District. New law allows monies in the fund to also be utilized for operational costs of the La. Stadium and Exposition District.

Hurricane Fund

New law creates the Hurricane and Storm Damage Risk Reduction System Repayment Fund as a special fund in the state treasury.

New law requires for Fiscal Year 2021-2022, 38% of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal 2021-2022 above the official state general fund forecast adopted on May 18, 2021, to be deposited into the fund.

New law requires for Fiscal Year 2022-2023, that certain state taxes levied on the sale at retail, use, lease, rental, consumption, distribution, and storage for use or consumption of each item or article of tangible personal property, including remote sales, that are collected in the parishes of St. Charles, Jefferson, Plaquemines, St. Bernard, and Orleans, to be deposited into the fund.

New law prohibits the total amount deposited into the fund from exceeding $400 million.

New law provides that money in the fund shall be used exclusively to make payments to the U.S. Army Corp of Engineers for costs associated with Hurricane and Storm Damage Risk Reduction System or to make debt service payments if the state issues general obligation bonds to fund the payments to the U.S. Army Corp of Engineers.

Federal Funds

New law prohibits any federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act from being expended or encumbered prior to Joint Legislative Committee on the Budget approval of a proposal for spending the funds submitted by the division of administration. New law requires the proposal to include the amount of funding for specific transportation, highway, construction, or other infrastructure projects.

New law directs the treasurer to transfer $1.65 million from the state general fund in state Fiscal Year 2020-2021 into the Capital Outlay Savings Fund.

Effective June 30, 2021.

(Amends R.S. 39:100.26; Adds R.S. 39:100.122 and 134.1)

Spending of Federal Funds (ACT 410)

New law provides for the disbursement of monies received from the American Rescue Plan Act of 2021.

New law creates the Louisiana Rescue Plan Fund and directs the treasurer to deposit any federal monies allocated to Louisiana pursuant to the

Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 into the fund.

New law creates the Louisiana Coronavirus Capital Projects Fund and directs the treasurer to deposit any federal monies allocated to La. pursuant to the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021.

New law authorizes the Joint Legislative Committee on the Budget (JLCB) to appropriate monies from any of the funds created in new law and to transfer monies between funds created in new law by approving a BA-7.

New law creates the following funds and directs the treasurer to deposit the following amounts from the Louisiana Rescue Plan Fund into the funds:

(1) Louisiana Water Sector Fund - $300 million

(2) Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund - $90 million

(3) Louisiana Main Street Recovery Rescue Plan Fund - $14.5 million (Louisiana Loggers Relief Fund - $10 million; Louisiana Save Our Screens Fund - $4.5 million)

(4) Louisiana Small Business and Nonprofit Assistance Fund - $10 million

(5) Louisiana Port Relief Fund - $50 million

(6) Louisiana Tourism Revival Fund - $77.5 million (Louisiana Tourism Revival Program - $60 million; Dept. of Culture, Recreation, & Tourism - $17.5 million)

(7) Southwest Louisiana Hurricane Recovery Fund - $30 million

(8) Capital Outlay Relief Fund - $35 million

New law directs the treasurer to deposit the following amounts from the Louisiana Rescue Plan Fund into the following existing funds:

(1) $15 million to the Legislative Capitol Technology Enhancement Fund

(2) $563 million to the Construction Subfund of the Transportation Trust Fund

(3) $10 million to the Major Events Fund

(4) $5 million to the H.E.RO. Fund

New law creates the Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund to provide grants to help fund broadband access in rural and disadvantaged areas pursuant to the provisions of the GUMBO program.

New law creates the Louisiana Water Sector Program to provide grants to community water and sewer systems and projects necessitated by storm water. New law requires the division of administration, the office of facility planning and control, and the office of community development to administer the program.

New law establishes the Water Sector Commission as a ten member legislative commission that will review and approve applications submitted pursuant to the program and make recommendations to JLCB for approval of funding.

New law establishes a working panel (comprised of the office of public health, Dept. of Environmental Quality, office of community development, and the office of facility planning and control) to review and rate applications from local governments and water and sewer systems and make recommendations to the commission for funding projects.

New law requires projects included in the bill that originated as HB 2 of the 2021 to receive priority for funding and exempts those entities from submitting an additional application to be considered for a grant.

New law creates the Louisiana Loggers Relief Program to provide grants to timber harvesting and timber hauling businesses that suffered revenue loss due to COVID-19. New law establishes the program as a component of the Louisiana Main Street Recovery Program and outlines criteria for program eligibility. New law

limits the grant amount to $25,000 per eligible business.

New law creates the Louisiana Save Our Screens Program to provide grants to movie theaters in La. who were forced to close or reduce capacity due to COVID-19. New law establishes the program as a component of the Louisiana Main Street Recovery Program and outlines criteria for program eligibility. New law limits the grant amount to $10,000 per movie screen located in La.

New law creates the Louisiana Small Business and Nonprofit Assistance Program to provide grants to small business to provide workforce development activities and to nonprofit organizations in La to assist individuals impacted by COVID-19. New law requires the Dept. of Revenue to administer the program and outlines criteria for program eligibility. New law limits the grant amount to $25,000 per eligible nonprofits.

New law creates the Louisiana Port Relief Program to provide grants to La. port authorities that suffered revenue loss or incurred expenses due to COVID-19 or port security measures. New law outlines criteria for program eligibility and requires the division of administration to administer the program. New law requires up to $5 million of monies for the Port Relief Program to be used for reimbursement for maritime and port security measures.

New law creates the Louisiana Tourism Revival Program to provide grants to local and regional tourist commissions for marketing and promoting Louisiana as a tourism destination for in-state and out-of-state travel activity. New law requires the division to administer the program and outlines criteria for program eligibility. New law requires JLCB approval of a plan for administration of the program prior to any grants be awarded.

New law authorizes the division of administration to utilize up to $250,000 collectively from the Louisiana Port Relief Fund and Louisiana Tourism Revival Fund for administrative expenses associated with the respective programs.

The creation of the GUMBO Fund and transfer of monies into the fund is effective if and when House Bill No. 648 of this 2021 R.S. is enacted and becomes effective.

The remaining provisions of the bill are effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:100.44.1, 100.44.2, and 100.51-100.59.2)

Capital Outlay Budget Process (ACT 88)

Prior law provided that no later than November first of each year, the head of each budget unit shall present to the office of facility planning and control of the division of administration all requests for capital outlay expenditures proposed to be funded within the next five years.

Prior law provided that capital outlay budget requests submitted after November first may be included within the capital outlay act if the capital outlay budget request meets all of the applicable requirements as provided in R.S. 39:101 and 102 except for time of submission and if any of the following conditions have been met:

(1) The project is an economic development project recommended in writing by the secretary of the Dept. of Economic Development.

(2) The project is an emergency project recommended in writing by the commissioner of administration.

(3) The project is for a nonstate entity, has a total project cost of less than $1 million, and has been approved by the Joint Legislative Committee on Capital Outlay (JLCCO) on or before February first.

(4) The project is located in a designated disaster area and there is a public need for the project because of a national or state declared disaster, and the project has been approved by the JLCCO, which approval may occur after February first and which project may have a total project cost of $1 million or more.

New law adds state-owned and administered projects submitted by a budget unit of the state, including public postsecondary education institutions that are included in the capital outlay act, to the list of projects which may be submitted after November first and included in the capital outlay bill.

New law does not apply to a political subdivision that is also a budget unit of the state.

Effective upon signature of the governor (June 4, 2021).

(Adds R.S. 39:112(C)(1)(e))

Fiscal Intermediary Services Contracts (ACT 347)

Present law sets forth the procedures and regulations for state procurement of information technology systems and services.

Prior law with respect to procurement of information technology systems and services restricted "fiscal intermediary services" to contracts for the processing of claims of healthcare providers. New law expands the definition to include, for example, electronic visit verification, third-party liability, financial management, provider management system, care management, healthcare claims and encounter processing, payment integrity, data warehousing, and pharmacy benefit management.

Prior law authorized award of a fiscal intermediary services contract upon completion of a competitive selection process outlined in prior law. New law provides that such contracts shall be awarded either by competitive sealed proposals, as provided in present law, or through a cooperative purchase, as provided in present law.

Present law requires the fiscal intermediary to perform certain functions after the original contract has expired and before a new contract is entered into, including efforts to control fraud and abuse, program reports, encounter data, and enrollment and program information services. New law changes this requirement from mandatory to permissive.

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

(Amends R.S. 39:197 and 198)

Iowa Fire Protection District No. 1 (ACT 227)

Prior law provided that no debt will be incurred and general obligation bonds issued therefor for any one of the purposes provided by prior law that, including the existing bonded debt (with specified exceptions), will exceed in the aggregate 10% of the assessed valuation of the taxable property within the district, including both homestead exempt property and certain nonexempt property.

New law authorizes the Iowa Fire Protection District No. 1, with the approval of a majority of the voters, to incur debt and issue bonds for the purposes specified in prior law that may exceed 10% but will not exceed 25% of the assessed valuation of the taxable property within the geographic boundaries of the district, including each of the following:

(1) Homestead exempt property, which shall be included on the assessment roll for the purpose of calculating debt limitation.

(2) Nonexempt property, as ascertained for local purposes by the last assessment of property within the geographic boundaries of the district prior to the delivery of the bonds representing the debt, regardless of the date of the election at which the bonds were approved.

Effective upon signature of the governor (June 14, 2021).

(Adds R.S. 39:562(R))

Chinese Telecommunication and Video Surveillance Equipment (ACT 288)

Prior law prohibited all of the following entities from purchasing telecommunications or video surveillance equipment as described in Section

889(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (National Defense Authorization Act) unless such equipment is from a manufacturer that is in compliance with this 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 broadens prior law to prohibit all agencies and certain educational entities of the state from procuring any prohibited telecommunications or video surveillance equipment or services as defined in new law.

Prior law required the vendor of such equipment to provide an affidavit that the equipment is from a manufacturer that is in compliance with such federal provisions. New law extends prior law to the procurement of telecommunications or video surveillance equipment or services by state agencies.

New law defines "prohibited telecommunications or video surveillance equipment or services" to include all of the following:

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(A) of the National Defense Authorization Act.

(2) Video surveillance equipment or telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(B) of the National Defense Authorization Act.

(3) Telecommunications or video surveillance equipment or services produced or provided by an entity found to be owned, controlled, or otherwise connected to the government of the People's Republic of China, as described in Section 889(f)(3)(D) of the National Defense Authorization Act.

(4) Any product or equipment, regardless of manufacturer, containing as a component any equipment identified by Subparagraphs (1) through (3) above. This may include but is not limited to the following:

(a) Computers or other equipment containing a component which enables any form of network connectivity or telecommunications regardless of whether the equipment is regularly connected to a network.

(b) Building automation, environmental controls, access controls, or facility management, and monitoring systems.

(c) Voting machines, peripherals, and election systems that are a product, or a component thereof, that is identified as being produced by those listed in new law.

(5) Any services provided using any equipment identified by Subparagraphs (1) through (4) in this Subsection.

New law provides that any procurement of prohibited telecommunications or video surveillance equipment or services or other procurement in violation of new law shall be void.

New law repeals prior law provision that with respect to the procurement of telecommunications systems or services, present law supersedes conflicting provisions of prior law.

New law requires the chief information officer to report to the Joint Legislative Committee on Technology by October 1 of each year regarding the operational readiness and procurement requirements of the state in cybersecurity.

New law applies only to procurements initiated on or after August 1, 2021, by state agencies,

certain educational entities, and their service providers.

Effective August 1, 2021.

(Amends R.S. 38:2237.1, R.S. 39:1753.1; adds R.S. 39:15.3(F) and 200(M); and repeals R.S. 39:1755(5))

TITLE 40: PUBLIC HEALTH AND SAFETY

Water System Grading and Regulation (ACT 98)

Present law provides for the remedies available to the state health officer for the enforcement of public drinking water laws and regulations relative to public water, including administrative compliance orders, civil penalties, and civil actions for injunctions and to place a public water system in receivership.

New law requires a receiver, within 90 days after appointment, to develop and submit an improvement plan to the La. Dept. of Health (LDH) for approval, and provides for the content of the improvement plan. New law provides that rate adjustments pursued pursuant to the plan are subject to approval by the appropriate rate setting authority.

New law creates the "Community Drinking Water Infrastructure Sustainability Act" and provides for legislative intent for development of a community water system accountability process to provide public assurance that drinking water is of high quality with clear standards and expectations of the community water system.

New law defines "community water system" as a public water system that serves year-round residents within a residential setting, including systems serving municipalities, water districts, subdivisions, and mobile home parks.

New law provides that LDH will implement a statewide accountability system that assesses letter grades to community water systems based on a clear and appropriate point value assigned, at a minimum, for federal water quality violation history, state violation history, water system financial sustainability, operation and maintenance performance history, infrastructure violations, customer satisfaction, and level of secondary contaminants. New law provides for the assignment of a letter grade of "A", "B", "C", "D", or "F".

News law provides that LDH shall publish scores and letter grades earned by each community water system on its website in a frequency and duration established by LDH in rulemaking.

New law provides that any community water system that receives a letter grade of "D" or "F" shall be considered operationally unacceptable and may be subject to present law enforcement actions, including administrative compliance orders, civil actions, and court appointed receivership, oversight of federal or state grant funding by an auditor approved by the legislative auditor, or being placed on notice to the State Bond Commission, the Public Service Commission, and the attorney general to prohibit the incurring of any additional debt for anything not directly related to the water system.

New law provides that no local governing authority that operates a community water system that receives a grade of "D" or "F" shall expend any money raised through payments made by customers for access to water or from any other water system revenue for any item, debt payment, or public purpose other than the improvement and sustainability of the community water system. New law shall not be construed to prohibit the payment of bonded indebtedness secured by the water system's revenue incurred prior to the effective date of new law.

New law provides that a community water system with an "F" or "D" grade shall not be denied access to funding to improve or sustain the community water system based solely on the grade.

New law provides that LDH shall publish the first letter grades no later than January 1, 2023.

New law provides that a community water system or local governing authority operating a

community water system receiving federal funds, including stimulus or relief payments or grants, for the upgrade, repair, or otherwise replacement of the water system infrastructure shall submit a detailed plan describing how the federal funds will be used to LDH.

Prior law provided that LDH shall promulgate a rule or take action requiring the modification of an existing community water system in operation before August 1, 2013, only if LDH demonstrates that the public water system is incapable of attaining compliance with the National Primary Drinking Water Regulations without the modification and provides for permits for a new public water supply system or in connection with the modification of an existing public water system. Prior law established the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee and provide for the duties, membership, and meetings of the committee. New law repeals prior law.

Effective August 1, 2021.

(Amends R.S. 40:5.9; adds R.S. 40:5.9.1 and 5.9.2; repeals R.S. 36:259(B)(9) and R.S. 40:4.13)

Imported Seafood Safety (ACT 306)

Existing law requires the La. Department of Health (LDH) to charge and collect an annual commercial seafood permit fee from each seafood distributor and processing plant.

New law requires LDH to charge and collect an annual imported seafood safety fee of $100 from each holder of a commercial seafood permit fee who sells imported seafood.

New law creates the Imported Seafood Safety Fund as a special fund in the state treasury. New law provides that the proceeds of the imported seafood safety fee established by new law shall be deposited into the Imported Seafood Safety Fund.

New law requires that the monies in the Fund be appropriated and expended solely for the purpose of sampling, analysis, testing, and monitoring of raw seafood products of foreign origin that are imported into this state and stored on the premises of any commercial seafood permit holder.

New law requires that LDH directly administer or contract for such sampling, analysis, testing, and monitoring functions.

New law requires LDH to employ sampling, analysis, testing, and monitoring to detect in imported seafood products the presence of substances that are harmful to human health.

New law provides that the state health officer of the LDH office of public health shall determine the specific types of sampling, analysis, testing, and monitoring functions to be implemented as well as the frequency and scope of these activities.

New law authorizes the state health officer to modify the frequency and scope of such activities based upon the availability of funding to support the activities.

Effective August 1, 2021.

(Amends R.S. 40:31.35(C); Adds R.S. 40:5.10.1)

Housing Agency Appointments (ACT 302)

Present law provides that the state treasurer or his designee shall be a member of the Louisiana Housing Corporation board. New law provides that the treasurer may appoint any person as his designee.

Prior law provided that six members of the board of directors for the Louisiana Housing Corporation shall be appointed by the governor. New law increases the governor's appointees from six to eight.

Prior law provided that not more than one member appointed by the governor shall be a resident of a single congressional district. New law adds an exception for at-large members who may be appointed from anywhere in the state.

Present law provides for a "landlord commissioner" appointed to the governing

authority of the housing authority in the city of New Orleans. Present law provides that the "landlord commissioner" be appointed by the mayor from a list of three nominees submitted by the Landlords Advisory Committee.

Prior law required that the committee meet within 60 days after any vacancy in the landlord commissioner position and nominate the list of landlord commissioners by majority vote. New law authorizes that the committee meet within 60 days after a mayoral election is concluded.

Effective August 1, 2021.

(Amends R.S. 40:531 and 600.89)

Simmesport Housing Authority (ACT 70)

New law provides that the Simmesport 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 state civil service.

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

Bunkie Housing Authority (ACT 172)

New law provides that the Bunkie 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 state civil service.

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

Destruction of Contraband Food (ACT 195)

Existing State Food, Drug, and Cosmetic Law provides that whenever a duly authorized officer or employee of the La. Department of Health (LDH) finds in any factory, establishment, structure, or vehicle of transportation any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are unsound or contain any filthy, decomposed, or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe for human consumption, a designated officer or employee of LDH shall immediately condemn or destroy it or in any other manner render it unconsumable as human food.

New law provides that nothing therein, or in any other provision of existing law relative to public health, shall be construed to prohibit any duly authorized officer or employee of LDH from causing the destruction of any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are of foreign origin and found to be subject to a federally issued import ban.

Effective August 1, 2021.

(Amends R.S. 40:635)

Controlled Dangerous Substances (ACT 96)

Present law provides for the scheduling of all controlled dangerous substances.

Prior law defined "marijuana" as all parts of plants of the genus Cannabis, whether growing or not, the seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, but provides that marijuana shall not include cannabidiol when contained in a drug product approved by the United States Food and Drug Administration (FDA). New law expands the exception for FDA-approved products to those containing any cannabinoids.

Present law provides that the secretary of the La. Dept. of Health shall add a substance to the schedules as a controlled dangerous substance if it is classified as a controlled dangerous substance by the U.S. Drug Enforcement Administration (DEA) or found to have a high potential for abuse.

Present law provides that the secretary may transfer a controlled substance from one schedule to another schedule upon the basis of a finding that the characteristics of the controlled substance are such that under the criteria in prior law the controlled substances should be transferred or that a transfer of any substance should be made in order to conform with the schedule in which the drug is placed by the DEA.

New law adds authority for the secretary to delete any drug or other substance from the schedules provided in prior law if the drug or other substance is no longer classified as a controlled dangerous substance by the DEA.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 40:961; adds R.S. 40:962(I))

Cannabidiol and Fentanyl (ACT 101)

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

New law adds Beta-hydroxythiofentanyl, Brorphine, Crotonyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Para-chloroisobutyryl fentanyl, Para-methoxybutyryl fentanyl, and Valeryl fentanyl to Schedule I.

New law adds Oliceridine to Schedule II.

New law adds Remimazolam to Schedule IV.

New law removes cannabidiol when contained in a drug product approved by the U.S. Food and Drug Administration from Schedule V.

Effective August 1, 2021.

(Amends R.S. 40:964)

Marijuana Possession (ACT 247)

Prior law provided for a fine of up to $300, imprisonment for not more than 15 days, or both, with regard to a first conviction for possession of marijuana when the offender possessed 14 grams or less, and provided for enhanced penalties for subsequent convictions.

New law provides that the penalty for possession of 14 grams or less of marijuana for first or subsequent convictions is a fine of up to $100.

New law provides that if an offender upon whom a fine has been imposed for possession of 14 grams or less alleges indigency or otherwise fails to pay the imposed fine, the court shall determine whether the defendant has willfully refused to pay or has made bona fide efforts to legally acquire resources to pay. If an offender has not willfully refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the court shall use its discretion to impose alternatives, including installment payments or community service.

New law provides for enforcement of new law for possession of 14 grams or less by use of summons.

Effective August 1, 2021.

(Amends R.S. 40:966)

Medical Marijuana (ACT 424)

Existing law authorizes physicians who are licensed by and in good standing with the La. State Board of Medical Examiners to recommend marijuana for therapeutic use, known commonly as "medical marijuana", by patients clinically diagnosed as suffering from any debilitating medical condition defined in existing law.

Prior law provided that physicians may recommend medical marijuana in any form allowed by the rules and regulations of the La. Board of Pharmacy, other than (1) inhalation form, or (2) raw or crude form.

New law repeals the prohibition on medical marijuana in inhalation form and raw or crude form provided in prior law.

New law prohibits pharmacies from doing any of the following:

(1) Dispensing more than two and one-half ounces (71 grams) of raw or crude marijuana every 14 days to any individual patient.

(2) Dispensing raw or crude marijuana to any person under 21 years of age without a written order from a physician specifically recommending marijuana in raw or crude form for that person.

Existing law requires the La. Board of Pharmacy to establish, through administrative rules, standards, procedures, and protocols to ensure that medical marijuana dispensed is consistently pharmaceutical grade. New law creates an exception to this requirement and provides that raw or crude marijuana is not subject to these standards, procedures, and protocols.

Effective January 1, 2022.

(Amends R.S. 40:1046)

Abortion Pill Mandatory Disclosure (ACT 483)

New law defines "mifepristone" as a synthetic steroid that inhibits the action of progesterone, given orally in early pregnancy to induce a chemical abortion.

New law defines "misoprostol" as a synthetic prostaglandin E1 analogue that is used to induce a chemical abortion.

New law provides that when a physician or a person acting under the physician's direction administers mifepristone to a pregnant woman, he shall provide to the woman a disclosure statement that conforms to the requirements of new law.

New law allows the disclosure statement to be provided through any of the following means:

(1) Stapling the disclosure statement to a bag, envelope, or other package that contains misoprostol for the pregnant woman to self-administer at home.

(2) Attaching the disclosure statement to a written prescription for misoprostol provided by the physician or a person acting under the physician's direction.

(3) Attaching the disclosure statement to the patient's discharge instructions if the prescription for misoprostol is sent directly to a pharmacy.

New law requires that the disclosure statement read as follows:

"PLEASE READ BEFORE TAKING SECOND PILL
Research has indicated that the first pill provided, identified as mifepristone, is not always effective in ending a pregnancy. If after taking the first pill you regret your decision, please consult a physician or healthcare provider immediately to determine if there are options available to assist you in continuing your pregnancy."

New law stipulates that nothing therein shall be construed as creating or recognizing a right to abortion.

New law provides that nothing therein shall be construed as requiring a disclosure statement to be provided to a woman facing a spontaneous miscarriage.

New law provides that nothing therein shall be construed as requiring a pharmacy or any entity other than the facility where the abortion is administered to furnish the disclosure statement provided for in new law.

New law provides for severability of new law.

Effective August 1, 2021.

(Adds R.S. 40:1061.11.1)

Abortion Restrictions on Minors (ACT 482)

Present law provides that jurisdiction to hear applications for court orders by minors seeking abortions, known as a judicial bypass order, shall be in the court having juvenile jurisdiction in the parish where the abortion is to be performed or the parish in which the minor is domiciled. New law removes jurisdiction from the parish where the abortion is to be performed.

New law provides that jurisdiction maybe extended to a contiguous parish to the minor's parish of domicile if either of the following conditions are met:

(1) The minor's parent or guardian is a presiding judge of the juvenile court in the parish in which the minor is domiciled.

(2) The parish in which the minor is domiciled has a population of less than 10,000 persons according to the latest federal decennial census.

Present law requires that an individual abortion report for each abortion performed or induced be completed by the attending physician and provides for the required content of the report. Present law provides that the report shall be confidential and not contain the name or address of the woman.

New law requires the following additional information if the abortion was performed on a minor:

(1) Whether or not the physician or any other staff member of the abortion facility suspected that the minor was the victim of any form of child abuse or neglect and filed a report of the abuse or neglect.

(2) If the abortion was performed pursuant to a judicial bypass order, all of the following information:

(a) The judicial district of the court that issued the order.

(b) Whether or not the minor was required to participate in an evaluation and counseling session with a mental health professional from the La. Dept. of Health (LDH) or a staff member from the Dept. of Children and Family Services (DCFS).

(c) Whether or not the court issued a protective order for the minor, afforded her the continued services of a court-appointed special advocate, or did both.

(d) Whether the judicial bypass was granted because of a finding that the minor girl was mature and capable of giving informed consent.

(e) Whether the judicial bypass was granted because of a finding that the performance of the abortion without parental notification and consent was in the best interest of the minor.

(f) Whether or not the physician or any other staff member of the abortion facility referred the woman to any licensed professional for post-abortion counseling.

(g) Whether or not the physician or any other staff member of the abortion facility referred the woman to LDH or DCFS for any health services or other human services.

Prior law required that individual abortion reports include the parish and municipality in which the pregnant woman resides. New law changes the requirement to the parish and zip code in which the pregnant woman resides.

Present law requires LDH to collect the individual abortion reports and to collate and evaluate all data gathered from the reports. New law requires LDH to publish a statistical report annually based on the data from abortions performed in the previous calendar year.

New law requires that the annual statistical reports on abortions published by LDH include a special section addressing abortions performed on minors. New law requires that this section of the report feature, at minimum, a compilation of the information required by new law to be included in individual abortion reports.

(Amends R.S. 40:1061.14; Adds R.S. 40:1061.21(A)(5)(c))

Rare Disease Advisory Council (ACT 321)

New law provides that "rare disease" means any disease or condition that affects fewer than 200,000 persons in the United States. "Rare disease" also means sickle cell disease and sarcoidosis.

New law creates the Louisiana Rare Disease Advisory Council (advisory council) within the La. Dept. of Health (LDH).

New law provides that the advisory council shall only serve in a resource capacity to any public and private agency located in this state that provides services for a person who has been diagnosed with a rare disease.

New law provides that the advisory council shall be composed of 12 members appointed in specified ways.

New law requires the governor to determine who serves as the chair and vice-chair of the advisory council.

New law requires that, to the extent practicable, every organization or entity that provides a nomination to the advisory council shall strive for diversity in its appointment based on race, ethnicity, sex, professional or educational background, and geographic residency.

New law requires the advisory council to hold its initial meeting no later than Oct. 1, 2021, and that the council meet at least quarterly in a calendar year and at any other time as it deems necessary.

New law provides that the council shall not have authority on any matter relating to LDH or its Drug Utilization Review board.

New law provides that nothing in new law requires the board to follow the recommendations of the advisory council.

New law provides that nothing in new law requires the advisory council, the board, or any state agency to consult with a person on any matter or be required to meet with any specific expert or stakeholder.

New law provides that an advisory council member shall not receive any compensation for serving on the advisory council.

Effective August 1, 2021.

(Adds R.S. 36:259(B)(38) and R.S. 40:1122.1)

Abortion Reporting (ACT 425)

Present law provides that the attending physician must complete an individual report for each abortion performed or induced. Present law provides that the report shall be confidential and cannot contain the name or address of the woman.

Prior law provided that the report shall include the parish and municipality, if any, in which the pregnant woman resides. New law changes municipality to zip code.

New law provides that the La. Dept. of Health shall, on a quarterly basis, provide to the Dept. of Children and Family Services and the attorney general, copies of all abortion reports in which a minor pregnant woman under the age of 13 received an abortion.

New law provides that a hospital licensed by the La. Dept. of Health shall submit a report to the department on patients who received treatment in the emergency department as a result of complications after an abortion.

New law provides that the report shall include the date of the abortion, name and address of the facility where the abortion was performed or induced, the nature of the abortion complication diagnosed or treated, and the name and address of the facility where the post-abortion care was performed.

New law provides that the report shall be exempt from disclosure pursuant to the Public Records Law.

New law provides that the La. Dept. of Health, in consultation with the La. State Board of Medical Examiners, shall jointly promulgate rules regarding the electronic coding, reporting, and tracking of complications after any abortion that is treated at any hospital.

(Amends R.S. 40:1061.21 and R.S. 44:4.1; Adds R.S. 40: 2109.1)

Genetic Testing of Newborns (ACT 305)

Existing law provides that a physician attending to the care of a newborn child shall cause the child to be subjected to tests for certain genetic conditions that have been approved by the La. Dept. of Health.

New law adds the following to the list provided therein of genetic conditions for which newborns shall be tested: (1) mucopolysaccharidosis type I

(MPS I), and (2) glycogen storage disorder type II (Pompe disease)

New law supersedes amendments made to existing law R.S. 40:1081.2(A)(1) by §1 of Act No. 507 of the 2016 Regular Session.

Effective January 1, 2022.

(Amends R.S. 40:1081.2)

Restroom Access Act (ACT 444)

New law defines "eligible medical condition" as Crohn's disease, ulcerative colitis, inflammatory bowel disease, irritable bowel disease, or any other medical condition that requires the use of an ostomy device or immediate access to a restroom.

New law defines "ostomy device" as a medical device that creates an artificial passage for elimination of body waste.

New law defines "retail establishment" as any business, whether a sole proprietorship, corporation, partnership, or otherwise, that holds or stores articles, products, commodities, items, or components for sale to the public or to other retail establishments.

New law provides that any retail establishment that has a restroom for its employees and does not permit the public to access the employee restroom shall allow individuals to use the employee restroom during normal business hours if all of the following conditions are met:

(1) The individual requesting access to the employee restroom presents a copy of a written statement, signed and issued by a healthcare provider on the healthcare provider's letterhead or of a facility with which the healthcare provider is associated, stating that the individual suffers from an eligible medical condition or utilizes an ostomy device.

(2) A public restroom is not immediately accessible to the individual.

(3) The employee restroom is located in an area of the retail establishment where access would not create an obvious risk to the health or safety of the individual or create an obvious security risk to the retail establishment.

New law prohibits retail establishments selling prescription drugs or that maintain records of information subject to HIPAA from allowing restroom access, if the restroom is located in an area where the prescription drugs or records of information may be easily accessed.

New law specifies that no retail establishment or employee thereof shall be liable for any act or omission when an individual is allowed access to an employee restroom pursuant to new law, if the act or omission meets all of the following requirements:

(1) It does not constitute gross, willful, or wanton negligence on the part of the retail establishment or an employee of the retail establishment.

(2) It occurs in an area of the retail establishment that is not otherwise accessible to the public.

(3) It results in injury or death of an individual other than an employee accompanying the individual to the employee restroom.

New law provides that no retail establishment shall be required to make any physical change to an employee restroom to effectuate the purposes of new law.

Effective August 1, 2021.

(Adds R.S. 40:1123.1-1123.4)

Insurer Access to Medical Records (ACT 277)

Existing law provides that a patient or legal representative shall have a right to obtain a copy of the patient's entire medical records related in any way to the patient upon furnishing a signed authorization.

Existing law defines "authorized" as a consent, an approval, or an authorization between persons.

New law adds that a patient's life, health, disability, or long-term care insurance company

or its counsel, who has been authorized, as defined by existing law, by the patient, shall have a right to obtain a copy of a patient's entire medical record.

Effective August 1, 2021.

(Amends R.S. 40:1165.1)

Telehealth by Hearing Aid Dealers (ACT 92)

Present law provides for the Louisiana Telehealth Access Act which authorizes professional or occupational licensing boards to promulgate rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of services and within the scope of practice of the individual health care providers under their jurisdiction.

New law adds licensed hearing aid dealers to the definition health care provider included in the Louisiana Telehealth Access Act.

Present law provides for powers and duties of the Louisiana Board for Hearing Aid Dealers.

New law adds reference to the board's authority to promulgate rules for the provision of telehealth services in accordance with the Louisiana Telehealth Access Act.

Effective August 1, 2021.

(Amends R.S. 40:1223.3(3); adds R.S. 37:2457(11))

Medicaid Coverage for Dental Care (ACT 450)

New law requires the La. Department of Health (LDH) to ensure that comprehensive Medicaid coverage for dental care is provided to each person of age 21 or older who is enrolled in any Medicaid waiver program for persons with developmental or intellectual disabilities.

New law provides that for purposes of new law, "comprehensive Medicaid coverage for dental care" means Medicaid coverage which reimburses for dental and oral health services including (1) diagnostic services, (2) preventive services, (3) restorative services, (4) endodontics, (5) periodontics, (6) prosthodontics, (7) oral and maxillofacial surgery, (8) orthodontics, and (9) emergency care.

New law provides that LDH shall not furnish any coverage required by new law until: (1) the federal Medicaid agency has approved the provision of such coverage, and (2) the legislature has appropriated the funding necessary for the provision of such coverage.

New law requires LDH to take all such actions as are necessary to make the coverage required by new law available to all persons eligible for such coverage on or before July 1, 2022.

Effective August 1, 2021.

(Adds R.S. 40:1250.31 and 1250.32)

Health Care for Women (ACT 210)

New law povides that the Louisiana Department of Health (LDH) shall serve as a foundation and resource for addressing health care disparities for women and vulnerable populations and contribute to the improvement of the health of Louisiana's citizens.

New law provides that LDH shall be responsible for leading, consolidating, and coordinating efforts across the state geared toward improving women's health outcomes through policy, education, evidence-based practices, programs, and services.

New law provides that LDH shall complete a thorough assessment of all state activities or services that may specifically impact the health or quality of life of women, and to submit this assessment to the House and Senate committees on health and welfare no later than February 15, 2022.

New law provides that LDH shall make available to health care professionals the best practices and protocols for treating communities with underlying medical conditions and health disparities by doing certain enumerated tasks.

New law provides that LDH may analyze any other relevant data, seek input from any interested parties, pursue any relevant topics and promote community outreach and extension activities.

Effective upon signature of the governor (June 11, 2021).

(Adds R.S. 40:1262)

Sewerage and Recreational Vehicles (ACT 226)

Prior law required the office of public health of the La. Department of Health (LDH) to temporarily waive requirements of the state sanitary code regarding individual sewerage systems in the absence of a community sewerage system under certain conditions for properties located in any parish with a population between 6,800 and 6,900 according to the latest federal decennial census.

Prior law authorized a parish to which it applies, or any municipality within the parish, to provide appropriate enforcement mechanisms to discourage persons from connecting multiple habitable structures to an individual sewerage system.

New law provides that, notwithstanding prior law, two recreational vehicles, as defined in new law, may connect to one individual sewerage system if the system is permitted by LDH and the rated capacity of the system is not exceeded.

New law provides that, for its purposes, the term "recreational vehicle" means a motorized or towable vehicle that combines transportation and temporary living quarters.

New law stipulates that the term shall not include a mobile home, a dwelling known commonly as a "Katrina cottage", a dwelling known commonly as a "tiny house", a movable house, or any other living quarters designed or intended to have the wheels removed in connection with placement on a lot or parcel of land.

Effective upon signature of governor (June 14, 2021).

(Amends R.S. 40:1281.26)

Retired Police and Concealed Firearms (ACT 191)

Existing law provides that an individual who is retired from service as a qualified law enforcement officer, and who was commissioned by the agency or office from which he retired, and is carrying the identification required by his office as a retired law enforcement officer, may carry a concealed firearm anywhere in the state, including any place open to the public.

Existing law provides that the retired law enforcement officer shall have identification which proves he is a retired law enforcement officer.

New law requires the head of the office or agency from which the individual has retired to issue identification required by the provisions of existing law.

Specifies that new law shall have retroactive and prospective application.

Effective August 1, 2021.

(Amends R.S. 40:1379.1.4(D))

Handgun Training (ACT 463)

Existing law provides for the issuance of a concealed handgun permit for La. residents who meet certain requirements, including the requirement that the applicant demonstrate competence with a handgun by completing certain training and safety courses.

Existing law provides that the instructors for such courses and training shall be certified by the Council on Peace Officer Standards and Training as firearms instructors or by the National Rifle Association as instructors for Basic Pistol Shooting, Personal Protection in the Home, or Personal Protection Outside the Home.

New law additionally provides for applicants to complete any U.S. Concealed Carry Association handgun safety or training course conducted by a

U.S. Concealed Carry Association certified instructor within the preceding 12 months.

New law provides alternative certification options for instructors.

Existing law provides that any safety or training course or class, except for basic handgun training in military service, shall include instruction in child access prevention.

New law adds that the applicant shall demonstrate shooting proficiency and safe handling of a handgun.

Effective August 1, 2021.

(Amends R.S. 40:1379.3; Adds R.S. 40:1379.3(D)(1)(j))

Ward Five Fire Protection District of Evangeline Parish (ACT 148)

New law increases the maximum per diem that may be paid to board members of the Ward Five Fire Protection District of Evangeline Parish from $30 to $100, not to exceed two meetings per month.

(Adds R.S. 40:1498(J))

Pointe Coupee Parish Fire Districts (ACT 42)

New law provides that the governing authority of Pointe Coupee Parish may provide, by ordinance, for the governance of fire protection districts created by the parish. New law provides that any such ordinance may provide for the creation of one or more supervising boards to govern such districts and that the ordinance that creates a supervising board will provide for the appointment and compensation of board members.

Effective upon signature of the governor (June 1, 2021).

(Adds R.S. 40:1504)

Class B Fire Fighting Foam (ACT 232)

On and after January 1, 2022, new law prohibits the discharge of Class B fire fighting foam that contains intentionally added PFAS chemicals, unless discharged or used during fire prevention or in response to an emergency fire fighting operation.

New law shall not be construed to restrict the manufacture, sale, or distribution of such Class B fire fighting foam or restrict the discharge or use of such foam in response to an emergency fire fighting operation.

New law shall not be construed to prevent the use of nonfluorinated foams, including other Class B fire fighting foams, to train or test for fire fighting operations at a facility with containment, treatment, and disposal measures to prevent the uncontrolled release of Class B foam into the environment.

Effective upon signature of governor (June 11, 2021).

(Adds R.S. 40:1615)

Police Survivor Benefits (ACT 171)

Present law provides an irrebuttable presumption that a fireman whose death is the direct and proximate result of a heart attack or a stroke died as the direct and proximate result of an injury sustained in the performance of his official duties, thereby making his survivors eligible for payment pursuant to present law.

Present law provides that the irrebuttable presumption exists if, while on duty, the fireman engages in a stressful or physical activity or participates in a stressful or strenuous physical training exercise and the heart attack or stroke occurs while he is engaged in the activity, while he is on duty after engaging in the activity, or no later than 24 hours after the activity.

Present law provides that the list of stressful or physical activities include fire suppression, rescue, hazardous material response, emergency

medical services, disaster relief, or other emergency response activity.

New law additionally makes present law applicable to law enforcement officers.

New law adds foot pursuits, use of force encounters, hostage and victim rescues, and tactical missions to the list of stressful or physical activities and makes the list applicable to firemen and law enforcement officers.

(Amends R.S. 40:1665.1)

Construction Code Inspections (ACT 338)

Existing law regulates the enforcement of the state uniform construction code.

New law requires that, for the purposes of code enforcement, inspections be conducted by a registered certified building inspector and requires the inspector to be on site for such inspections.

Effective August 1, 2021.

(Adds R.S. 40:1730.23(J))

La. Underground Utilities and Facilities Damage Prevention Law (ACT 46)

Present law provides that, except as provided by law, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground facility or utility, or on the premises of a customer served by an underground facility or utility, without having first ascertained, as provided by law, the specific location of all underground facilities or utilities in the area that would be affected by the proposed excavation or demolition.

Present law provides that prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place.

Prior law defined "excavation" or "excavate" to mean any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged utilities or facilities by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. Prior law provided "excavation" or "excavate" shall not include manual probing or any force majeure, act of God, or act of nature.

New law adds "normal commercial farming operations" as an exception to the definition of "excavation" or "excavate". New law changes the definition of "excavation" or "excavate" with regards to an exception from any force majeure, act of God or act of nature to any activity resulting from force majeure related occurrences, including but not limited to an act of God or an act of nature.

New law defines "normal commercial farming operations" as the following operations or activities for agriculture cultivation purposes:

(1) Operations or activities that do not encroach upon a private utility or pipeline servitude, public right-of-way, or public franchise area.

(2) Operations or activities that do encroach upon a private utility or pipeline servitude and the depth of the excavation is less than 12 inches in the soil below the existing surface grade.

Present law requires operators of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate, to supply certain information to the person responsible for the excavation.

New law adds this requirement when there is a notification of intent to perform normal commercial farming operations.

Prior law required that each person responsible for an excavation or demolition operation that results in damage to an underground facility or utility, perform certain actions immediately, such as notification to certain persons, to minimize hazard, and comply with any other laws and regulations.

New law adds this requirement to commercial farming operations that result in damage to an underground facility or utility.

New law, which becomes null and void on June 30, 2023, requires any owner or operator of a natural gas pipeline that is inactive, has a diameter of a minimum of 15 inches and a maximum of 17 inches, and is located in a parish with a population between 45,000 and 75,000 to maintain the minimum amount of ground cover as provided by 49 CFR Part 192. New law provides that if the minimum ground cover has not been maintained, then the owner or operator of the pipeline must restore, at its own expense, the minimum ground cover over the pipeline prior to the pipeline being reactivated.

Effective August 1, 2021.

(Amends R.S. 40:1749.12 and 1749.14 and 1749.17; adds R.S. 40:1749.21(C) and (D))

Notices by Excavators and Demolishers (ACT 9)

Present law requires excavators and demolishers to provide notice prior to excavating or demolishing and requires the notice to include a specific location request for excavation or demolition work to be performed at least 48 hours, but not more than 120 hours, in advance of the work commencing.

New law adds the requirement that the excavator or demolisher provide the specific location for excavation or demolition with notice or physically mark the route or area of excavation or demolition.

New law provides guidelines for making physical markings, including requiring the use of white paint, flags, stakes, or similar means under American Public Works Association guidelines.

New law requires that any physical markings or electronic drawings do not exceed the actual area of excavation or demolition.

New law requires an underground utility or facility operator to notify the excavator, if it is determined that its underground facilities are not in conflict with the location of the request or that its facilities are not fully marked for locating purposes.

New law requires the notification to be given prior to the mark-by time. A notification to the regional notification center that generated the location request shall suffice for compliance with new law, as it pertains to positive response.

Effective Jan. 2, 2022.

(Amends R.S. 40:1749.13; Adds R.S. 40:1749.14(C)(4))

Domestic Abuse Fatality Review (ACT 320)

New law creates the La. Domestic Abuse Fatality Review Panel, within the La. Dept. of Health (LDH).

New law provides for membership of the review panel and those persons who shall serve.

New law allows any additional persons to be appointed to the review panel who have relevant knowledge regarding domestic abuse and would be able to assist the review panel in its duties.

New law provides that the functions of the review panel shall include the following:

(1) Identify and characterize the scope and nature of domestic abuse fatalities in this state.

(2) Research and review trends, data, or patterns that are observed surrounding domestic abuse fatalities.

(3) Review past events and circumstances surrounding domestic abuse fatalities.

(4) Research and revise, as necessary, operating rules and procedures for review of domestic abuse fatalities.

(5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic abuse.

(6) Recommend components for prevention and education programs.

(7) Recommend training to improve the identification and investigation of domestic violence fatalities that occur in Louisiana.

New law authorizes the review panel to establish local and regional panels to help review data of domestic abuse fatalities across this state and provides that the review panel may analyze data through any state system which would be helpful to decrease fatalities from domestic abuse.

New law allows the review panel to establish relationships with local and regional fatality review panels to accomplish its duties as outlined in new law.

New law states that notwithstanding any other provision of existing law, the review panel or any local or regional panel formed under the review panel shall have authority to access medical and vital records in the custody of physicians, hospitals, clinics, or other healthcare providers, and the office of public health or any law enforcement agency that may aid in the completion of any domestic abuse fatality review and allow the review panel to complete its duties.

New law authorizes the review panel to request from a person, agency, or entity many types of information.

New law provides that the disclosure of information requested by the review panel or a local or regional panel is allowed on a voluntary basis by the requested person, agency, or entity.

New law provides that all information and records obtained by the review panel or any local or regional panel or its agent thereof in accordance with the provisions of new law, as well as any results of any domestic abuse fatality report prepared, shall be confidential and shall not be available for subpoena.

New law provides that no such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding or admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

New law provides that no person, agency, or entity that furnishes information to the review panel or any local or regional panel or its agent thereof pursuant to new law shall be found liable or in violation of a duty of confidentiality if the person, agency, or entity has acted in good faith.

New law states that no member of the review panel or any local or regional panel or agent thereof may disclose any information that is deemed confidential pursuant to new law.

New law provides that any person who appears before the review panel or any local or regional panel or agent thereof, shall sign a confidentiality document stating that any information provided shall be deemed confidential. Any information identifying a victim or person's family members involved in domestic abuse shall not be disclosed in any report that is to be made public. Nothing in new law shall prohibit the review panel or any local or regional panel or agent thereof from publishing its findings pursuant to new law.

New law states that all information and records obtained during the review process shall be returned to the providing person, agency, or entity who furnished the information or records.

New law provides that the review panel shall report any recommendations on or before Jan. 30, 2023, and annually thereafter, to the governor, the speaker of the House of Representatives, and the president of the Senate.

New law authorizes LDH to secure financial and human resources from, or create partnerships with, external entities in order to fulfil requirements of new law.

New law provides that any information, documents, or records received by the review panel or any local or regional panel shall be exempt from the Public Records Law.

New law shields any person, agency, or entity furnishing information, documents, or reports in accordance with new law from liability for disclosure.

Effective upon availability of sufficient funds through nongovernmental sources or specific appropriation by the legislature.

(Adds R.S. 36:259(B)(38), R.S. 40:2024.1-2024.7, and R.S. 44:4(59))

Nursing Home Beds (ACT 218)

Prior law provided for a moratorium on additional beds for nursing facilities which expires on July 1, 2022. New law extends the moratorium until July 1, 2027.

Prior law provided that the prohibition on additional nursing facilities and beds shall not apply to the replacement of existing facilities so long as there is no increase in existing nursing home beds at the replacement facility. New law deletes the condition relative to number of beds at the replacement facility to provide that the prohibition on additional nursing facilities and beds shall not apply to the replacement of existing facilities so long as there is no increase in existing nursing home beds.

New law repeals prior law providing that any nursing home bed in alternate health care use as of August 15, 2006, may be voluntarily taken out of alternate use and re-licensed as a nursing home bed, unless those beds are otherwise deemed expired, revoked, or surrendered.

Effective August 1, 2021.

(Amends R.S. 40:2116)

Home Health Care (ACT 181)

Prior law provided that a home health agency shall provide home health care to the public under the order of a physician. New law provides that a home health agency shall provide home health care to the public under the order of an authorized healthcare provider.

Prior law provided that home health agencies shall admit patients for skilled care only on the order of a physician. New law changes physician to authorized healthcare provider.

Prior law provided that an administrator of a home health agency shall have three years management experience in healthcare delivery service and meet one of the following conditions:

(1) Is a college graduate with a bachelor's degree.

(2) Has had three additional years of documented experience in a health care delivery service.

(3) Has an associate degree.

(4) Has had six additional years of documented administrative and managerial experience in a governmental or corporate setting other than in a health care delivery service, having supervised at least 20 employees, and handled administration of the daily operations of the organization, including the budget process. Such person shall have held no more than three positions in said six-year time period.

New law provides that an administrator of a home health agency shall have three years management experience in health care delivery service and meet the following conditions:

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

(2) Is employed as an administrator prior to Jan. 13, 2018, and has had three additional years of documented experience in a healthcare delivery service.

(3) Is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or home healthcare programs.

New law requires the Louisiana Department of Health to submit a report to the House and Senate committees on health and welfare on the implementation of the Act.

New law requires the administrator of each agency to comply with the minimum continuing education requirements established by the secretary.

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

(Amends R.S. 40:2116.31 and 2116.34)

Psychosocial Rehab Services (ACT 433)

Present law defines "psychosocial rehabilitation services" (PSR services) as psycho-educational services provided to individuals with mental illness in order to assist with skill-building, restoration, and rehabilitation, designed to assist the individual with compensating for or eliminating functional deficits and interpersonal or environmental barriers associated with mental illness.

Prior law provided that, in order to be eligible to receive Medicaid reimbursement, all behavioral health services providers shall ensure that any individual rendering PSR services for the provider agency meets certain enumerated requirements, including a minimum of a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology, or sociology.

New law expands the minimum eligible educational requirement to include a bachelor's degree from an accredited university or college in the fields of counseling, social work, psychology, sociology, rehabilitation services, special education, early childhood education, secondary education, family and consumer sciences, or human growth and development with a minor in counseling, social work, sociology, or psychology.

New law retains prior law but makes technical changes.

Effective August 1, 2021.

(Amends R.S. 40:2162)

Education about Dementia (ACT 73)

New law states that the legislature is aware of the importance of early detection and timely diagnosis of cognitive impairment and dementia. New law provides that it is in the public interest that information be provided to better understand Alzheimer's disease and other dementia diseases and increase awareness. New law states that it is public policy of the state that the Louisiana Department of Health (LDH) provide consistent guidance and effective education programs to healthcare providers across the state.

New law provides that LDH may educate healthcare providers on:

(1) The importance of effective care planning, including treatment options, support and services, long-term care options, advanced directives, and care at every stage of Alzheimer's disease and other dementia diseases to include appropriate counseling.

(2) The use of validated cognitive assessment tools.

New law states that the LDH office of public health may provide information that:

(1) Increases awareness of Alzheimer's disease and other dementia diseases including any link to chronic disease, such as vascular risk factors.

(2) Advises the public of the value of early detection of Alzheimer's disease and other dementia diseases along with information on the early signs of such diseases.

(3) Educates the public on the importance of identifying and reporting signs of Alzheimer's disease and other dementia diseases to healthcare providers for timely diagnosis.

(4) Increases data and surveillance applicable to Alzheimer's disease and other dementia diseases

and encourages additional data analysis and accurate reporting on death certificates.

(Adds R.S. 40:2200.7.1 and 2200.7.2)

Peace Officer Standards and Training (ACT 418)

New law requires the Council on Peace Officer Standards and Training and all governmental entities that employ a peace officer to develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions.

New law requires any governmental entity that employs a peace officer to implement an in-service anti-bias training program, as administered by the Council, in order to be eligible to receive any state grants administered or procured by the La. Commission on Law Enforcement and Administration of Criminal Justice.

New law requires the Council to develop and implement policies and procedures to suspend or revoke P.O.S.T. certification for misconduct committed by a peace officer.

New law requires the Council to develop and implement curriculum to provide instruction for law enforcement personnel on procedural justice and the duty to intervene that consists of classroom or internet instruction, or both, no later than Jan. 1, 2022.

New law requires that law enforcement agencies be certified by the Council in order to investigate officer-involved shootings that result in death or great bodily harm.

New law provides for penalties for non-compliance with P.O.S.T. reporting requirements.

Effective August 1, 2021.

(Amends R.S. 40:2404 and 2404.2; Adds R.S. 15:1212.1(G) and R.S. 40:2401.2, 2401.3, and 2555)

Peace Officers and Public Safety Personnel Peer Support (ACT 283)

New law provides that a peace officer or public safety personnel cannot be mandated to participate in a peer support session, except for participation in a peer support session following a critical incident if required by a governmental entity.

"Peer support session" means any communication by a peace officer or public safety personnel with a peer support member, primarily through listening, assessing, and assisting with problem-solving, and may include referring a peace officer or public safety personnel for professional intervention or treatment that is beyond the scope of the peer support member, and includes a group session following a critical incident experienced by a group of peace officers or public safety personnel.

"Peer support member" means a person specially trained and certified to voluntarily provide confidential emotional and moral support and assistance to peace officers and public safety personnel and who is approved as a peer support member by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, but need not be a peace officer or a licensed counselor or mental health professional.

New law provides that any governmental entity that establishes a peer support program must ensure that peer support members successfully complete the training required by new law before being designated as a peer support member.

"Peer support program" means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.

New law applies only to peer support sessions conducted by an employee or agent of a governmental entity who has both successfully completed peer support training and, at the time of the peer support session, has been designated

by a governmental entity to act as a peer support member.

"Peer support training" means training in peer support and critical incident stress conducted by the Southern Law Enforcement Foundation, the International Critical Incident Stress Foundation, Inc., or an equivalent program as approved by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

New law provides that information, reports, records, or communications in any form that are made, generated, received, or maintained in connection with a peer support program or session are deemed privileged and confidential, and are not public records.

New law provides that except as provided by law, no person, including a peer support member, can disclose any information relating to a peer support session to any other person without the prior written approval of the peace officer or public safety personnel who is the subject of the peer support session, or the legal successor. However, new law provides that this does not prohibit or limit communication between peer support members, and does not prohibit or limit peer support members from sharing among themselves information about a peace officer or public safety personnel for purposes of furthering the goals of new law.

New law provides that a governmental entity is not prohibited from compiling and maintaining statistics relating to a peer support program or session, but these statistics cannot contain information that could identify a peace officer or public safety personnel participating in a session or program.

New law provides that a person cannot be required to disclose, under subpoena or public records request, any records, documents, opinions, or decisions relating to information made privileged and confidential by new law, either in connection with an administrative or court case, or by way of any discovery procedure or public records request.

New law provides that the privilege and confidentiality created by new law are supplementary to any other statute, rule, or jurisprudence creating or relating to an applicable privilege, confidentiality, or public records exemption.

New law provides that any person who reveals the contents of a privileged or confidential communication, or any person who threatens, intimidates, or attempts to compel a peer support member to disclose the contents of a privileged communication, is subject to any discipline or penalties imposed by the governmental entity. New law provides that such person is guilty of a misdemeanor and will be fined up to $1,000, or imprisoned for up to six months, or both.

New law provides that the privilege and confidentiality created by new law does not apply to:

(1) A threat of suicide or homicide made by a peace officer or public safety personnel in a peer support session or any information related thereto.

(2) Information mandated by law to be reported, including information relating to child or elderly abuse or neglect, or domestic violence.

(3) Any communication that reveals the commission of a crime.

(4) Any communication that reveals the intended commission of a crime or harmful act.

(5) Any communication made to a peer support member not in connection with a peer support session, or when the peer support member responded to, was a witness to, or was a party to, an incident in a capacity other than a peer support member.

New law does not limit the discovery or introduction in evidence of knowledge acquired by a peace officer or public safety personnel from observations made during the course of employment, or material or information acquired during the course of employment, that was not discovered during a peer support session and is

otherwise subject to discovery or introduction in evidence.

New law provides that any governmental entity and its employees and agents (including peer support members) are immune from civil liability for any act or omission made in good faith while engaged in efforts to assist a peace officer or public safety personnel through a peer support program.

New law provides that a person who in good faith reports information or takes action in connection with any peer support program is immune from civil liability for reporting or taking such action, but this immunity does not protect a person who makes a report known to be false or with reckless disregard for the truth.

New law provides that the civil immunity created by new law is to be liberally construed to accomplish the purposes of new law.

New law adds that the Public Records Law does not apply to records, files, documents, and communications, and information contained therein, that are made, generated, received, or maintained by or in connection with a peace officer and public safety personnel peer support program or session conducted by a trained peer support member.

New law adds that Public Records Law does not apply to any records, files, documents, and communications, and any information contained therein, that are made, generated, received, or maintained by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice relating to personal information of approved peer support members.

Effective August 1, 2021.

(Adds R.S. 40:2411 and R.S. 44:4(59))

Complaints Against Officers (ACT 451)

New law changes the time period for an officer to secure representation from 30 days to 14 days.

New law extends the time period for an investigation of an officer from 60 days to 75 days, inclusive of weekends and holidays.

New law requires that notice be given to an officer in writing or electronically and that notice be considered received once sent.

New law provides that notice be considered received on the date received if the notice is sent to the home address in the personnel file.

New law requires that sustained complaints regarding an officer remain in the officer's file for at least 10 years, but only after the officer has exhausted all administrative appeals.

Effective August 1, 2021.

(Amends R.S. 40:2531; Adds R.S. 40:2533(D))

TITLE 41: PUBLIC LANDS

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Police Family Survivor Benefits (ACT 56)

New law provides that notwithstanding any provision of law to the contrary, a spouse or a child who has not attained the age of 26 years, or a child who has a disability or is mentally incapacitated regardless of age, who is eligible to receive survivor retirement benefits from the State Police Retirement System (SPRS) pursuant to present law shall be eligible to participate in the Office of Group Benefits health care program and receive the same health care premium subsidy as a retiree who has participated for 20 or more years in the OGB health care program.

New law provides that to be eligible for the retiree health care premium subsidy, the decedent shall have participated in health care programs sponsored by the OGB for the number of years sufficient to earn survivor benefits at the time of death. A spouse or child who does not meet the qualifications for health care premium subsidy coverage pursuant to new law due to the date of death of the decedent occurring prior to June 30,

2021, shall have the option to select coverage no later than December 31, 2021.

Present law, relative to SPRS members hired on or by December 31, 2021, or earlier, provides that the surviving spouse of any such sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections (DPS&C) who is killed by an intentional act of violence in the discharge of duties, or dies from the immediate effects of any injury received as the result of an intentional act of violence occurring while engaged in the discharge of duties, shall receive a survivor benefit equal to 100% of the salary being received by the employee at the time of the decedent's death or injury, provided the surviving spouse was married to the decedent at the time of the event which resulted in the officer's death.

New law adds that beginning in Fiscal Year 2021-2022 and in each year thereafter, the benefit shall, on the anniversary of the officer's death, be increased by three percent until the benefit equals the maximum of the officer's paygrade for his classification under the pay plan that applied to the officer on the date of death.

Effective June 30, 2021.

(Amends R.S. 42:851 and R.S. 11:1316 and 1345.8)

Obesity Treatment Benefits for Certain State Employees (ACT 388)

New law defines "severe obesity" as a body mass index (BMI) of at least 40 kilograms per meter squared or a BMI of at least 35 kilograms per meter squared along with a comorbidity or existing medical condition such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes.

New law requires the office of group benefits (OGB) to offer a provision stating that benefits shall be payable for the treatment of severe obesity through gastric bypass surgery, sleeve gastrectomy, duodenal switch, single anastomosis duodeno-ileostomy with sleeve, or other methods recognized by the American Society for Metabolic and Bariatric Surgery as effective for the long-term reversal of severe obesity. New law requires that the employee receiving the benefit have a BMI of at least 40 or a BMI of at least 35 with two or more comorbidities.

New law limits the benefits to 300 surgeries per year and applies only to active or retired state employees who have participated in an OGB self-funded health plan for at least one year prior to the surgery or other treatment method and prior authorization. New law requires the employee to comply with all OGB requirements during the pre-operative period, which shall be no less than four months.

New law provides that the benefits established therein do not include coverage for skin removal surgery.

New law provides that the OGB benefit will be restricted to services provided in facilities holding accreditation by the American College of Surgeons and the American Society for Metabolic and Bariatric Surgery's Metabolic and Bariatric Surgery Accreditation and Quality Improvement Program.

New law provides that the coverage of bariatric surgery shall require prior authorization.

Effective August 1, 2021.

(Adds R.S. 42:860)

Code of Governmental Ethics – Spousal Employment Exception (ACT 272)

Present law prohibits a public employee from receiving compensation from certain sources, including those which have or are seeking a contractual or business or financial relationship with the public employee's agency, those which conduct operations or activities regulated by the public employee's agency, and those which have a substantial economic interest that could be substantially affected by the performance or nonperformance of the public employee's official duties.

New law provides an exception to allow a public servant's spouse to continue employment with a person who has or is seeking a contractual or other business or financial relationship with the public servant's agency, provided: (1) the spouse is a salaried or wage-earning employee and has been continuously employed for at least one year prior to the date the prohibition would have initially occurred; (2) the spouse's compensation is substantially unaffected by a contractual or other business or financial relationship with the public servant's agency; (3) neither the public servant nor the spouse is an owner, officer, director, trustee, or partner in the legal entity which has or is seeking to have the relationship with the public servant's agency; (4) the public servant recuses or disqualifies himself from participating in any transaction involving the spouse's employer; (5) the spouse and the public servant jointly file a notice containing specified information with the Board of Ethics prior to or within 10 days of the date the prohibition would otherwise occur; and (6) the spouse complies with the disclosure requirements in present law.

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

(Adds R.S. 42:1111(C)(5))

Code of Governmental Ethics - School Board Nepotism Exception (ACT 199)

Present law generally prohibits an immediate family member of an agency head from being employed in his agency.

Present law provides various exceptions regarding the employment by school boards of family members of school board members and school superintendents.

New law provides an additional exception to allow an immediate family member of a local school board member or superintendent to be employed as a certified bus operator by that board.

New law provides that such school board member or superintendent shall not participate in employment related decisions of such family member.

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

(Adds R.S. 42:1119(B)(2)(a)(vi))

Code of Governmental Ethics - Zoning (ACT 340)

Present law provides an exception to the Code of Governmental Ethics to allow a member of a municipal or parish governing authority, in a parish or municipality with a population of 25,000 or less according to the latest federal decennial census, or a member of such official's immediate family, or a legal entity in which he has a controlling interest, to make application for the approval of a subdivision, resubdivision, or zoning of property, or for a building permit and any inspections related thereto, provided seven detailed requirements are met.

New law expands the exception by:

(1) Removing the population restriction for parishes and municipalities of 25,000 or less.

(2) Including appointed members of a planning or zoning or appeals board or commission of a parish or municipality and their immediate family members and related legal entities.

(3) Removing the restriction that no variance or special exception from any planning or zoning regulation or requirement or any building code or permit shall be requested or granted.

New law further expands exception as it pertains to the related legal entities being allowed to make such applications, from those in which such a person has a controlling interest to those in which such a person has an interest.

New law requires the advance written notice regarding the transaction to be filed by the elected or appointed public servant (not just the elected governing authority members), requires such a public servant to recuse himself from any vote related to the application, and prohibits

participation in any other aspect of the application or transaction by the public servant.

(Amends R.S. 42:1123(34))

Code of Governmental Ethics - Reduced Penalties for Noncompliance (ACT 177)

New law makes the assessment of penalties for failure to file or failure to disclose or accurately disclose information on a Tier 1, Tier 2, Tier 2.1, and Tier 3 personal financial disclosure statement optional under most circumstances, rather than mandatory, and reduces the penalties for Tier 3 filers from $50 to $25 per day and from $1500 to $500 maximum.

Present law provides that if a person fails to timely file a financial statement or if the person omits required information or if the Bd. of Ethics has reason to believe information is inaccurate, the board is required to notify the person of such by sending a notice of delinquency.

Present law provides that the board shall inform the person in the notice of delinquency that failure to file the statement, to disclose or accurately disclose the information, or to file an answer contesting the allegation by the deadline shall result in the imposition of penalties, and specifies the penalties that shall be assessed.

New law provides instead that the board and its staff are authorized to assess penalties, rather than required to assess penalties, and otherwise retains present law.

Present law establishes a $50 per-day late fee with a maximum of $1,500 for persons required to file Tier 2.1 and Tier 3 financial disclosure statements.

New law establishes a $25 per day late fee with a maximum of $500 for persons required to file Tier 3 financial disclosure statements and otherwise retains present law relative to Tier 2.1 financial disclosure statements.

New law establishes a $500 maximum amount for any other reports or statements required to be filed with the board with a per-day late fee of $25.

New law specifies that the phrase "late filing fees" includes late filing fees and penalties and the term "fee" includes a fee or penalty.

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

(Amends R.S. 42:1124.4)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

TITLE 44: PUBLIC RECORDS AND RECORDERS

Airport Blueprints (ACT 169)

New law provides that blueprints, floor plans, and renderings of the interior of an airport facility or of a facility on airport property and blueprints, plans, or renderings of airport infrastructure are confidential.

New law provides that nothing in the Public Records Law shall require the inspection, examination, copying, or reproduction of such records.

New law specifies that nothing in new law shall prohibit the disclosure of a blueprint, floor plan, or other rendering of the interior of an airport facility or of a facility on airport property or a blueprint, plan, or rendering of airport infrastructure to appropriate persons, if such disclosure is necessary or required (a) to protect the health, safety, and welfare of the public; (b) to provide or procure security, services, or concessions in and around the airport and its facilities; (c) to use as part of a public bid or request for proposal process or to accomplish construction, maintenance, repairs, or development; or (d) to facilitate interactions with federal, state, or local governmental entities.

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

(Adds R.S. 44:3.6)

Unclaimed Property (ACT 222)

New law exempts from the Public Records Law the specific monetary value and name of the company that remitted assets held by the state pursuant to the Uniform Unclaimed Property Act of 1997, except as otherwise provided by prior law.

New law exempts from the Public Records Law personally identifiable information of claimants of property held by the state pursuant to the Uniform Unclaimed Property Act of 1997, except as otherwise provided by prior law.

New law shall not prevent a judgment creditor or a person who can demonstrate entitlement to the property from obtaining the name and address of a claimant of property through a public records request.

Effective August 1, 2021.

(Adds R.S. 44:4(59) and (60))

Auto Insurer Reporting Regarding Commercial Policies (ACT 21)

Old law required automobile insurers to report to the commissioner of insurance certain data related to commercial motor vehicles, including number of policies written, amount of direct premiums written, and direct paid losses.

Old law provided that old law shall become void on May 1, 2025.

New law repeals old law.

(Amends R.S. 44:4.1; Repeals R.S. 22:1290.1)

Secret Registration (ACT 231)

Existing law requires companies that manage a public body's information technology infrastructure, security, or end-user systems to register with the secretary of state.

New law prohibits the secretary of state from disclosing such registration information except to a public body.

Effective upon signature of governor (June 11, 2021).

(Amends R.S. 44:4.1; Adds R.S. 51:2113(E))

Public Records Retention (ACT 213)

Prior law, relative to all public bodies including agencies, required the preservation of public records for the times specified in approved formal retention schedules or for three years if there is no approved formal retention schedule.

New law retains prior law for agencies, except those subject to records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State.

New law, applicable only to public bodies that are not agencies, deletes references to a formal retention schedule and instead requires all documents to be retained for three years or as provided by law.

Prior law allowed an appropriate microform, produced in compliance with prior law by a public body including an agency, to be considered an original. Prior law required the process to reproduce an unalterable image of the source document. New law retains prior law relative to agencies. New law, applicable to all public bodies, additionally requires that the image produced be accessible.

New law, applicable only to public bodies that are not agencies, allows use of any microphotographic or other electronic document reproduction process that is not otherwise prohibited by law.

Prior law required the secretary of state through the state archivist to establish standards for selective retention of records and to monitor agencies' application of these standards.

New law clarifies that the standards established and monitored apply to all agency records retention.

New law provides that certain agencies shall keep all records in accordance with the retention schedule developed and approved by the state archivist and director of the division of archives, records management, and history of the Dept. of State.

Prior law required each agency head to identify records that are not needed for current agency business and do not warrant further retention and to request the state archivist to authorize disposal of the identified records. New law clarifies that this process of identification and request for disposal authority applies to records that are no longer needed.

Present law requires each agency to have a designated records officer. New law requires a designation to occur every year.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 44:36, 39, 411, and 422)

Property Held in State Archives (ACT 87)

New law provides that property held in the possession of the La. State Archives and to which no one has asserted a claim of ownership for more than 10 years will be considered abandoned and become the property of state archives 65 days after advertisement, in a newspaper of general circulation, in the parish of the last known address of the property's owner or depositor, or the official journal of the state if no record of the owner's or depositor's address exists, provided no claim to the property is established to the satisfaction of the state archivist.

Effective upon signature of the governor (June 4, 2021).

(Adds R.S. 44:417(D))

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Licensing of Small Movers (ACT 33)

Present law provides that prior to engaging in any activities related to moving household goods, an intrastate mover of household goods must meet certain requirements, including securing a common carrier certificate from the La. Public Service Commission, meeting other requirements of the Commission, and carrying motor truck cargo carriers insurance of at least $50,000 per truck and $100,000 per catastrophe.

Present law requires any carrier, whether domiciled in or outside of La., who is providing intrastate transportation of household goods in La., to maintain a permanent establishment in this state. Present law provides that if the carrier ceases to maintain a permanent establishment in the state, its right to conduct business in the state shall be immediately suspended or cancelled at the discretion of the commission. No cancellation shall be ordered by the commission without notice and hearing before an administrative law judge.

Old law applies only when the contract for moving household goods exceeds $400.

New law repeals exception for when the contract for moving household goods does not exceed $400.

(Repeals R.S. 45:164(E)(3))

Transportation Network Companies and Insurance (ACT 300)

Present law provides that prior to accepting a request for a prearranged ride on a transportation network company's network, the company shall disclose to its drivers the types and limits of insurance coverage it provides relative to the driver's use of a personal vehicle in connection with the transportation network company's digital network.

New law requires that a transportation network company also disclose to its drivers any liability

coverages rejected by the company prior to the driver accepting a prearranged ride on the transportation network company's digital network.

Effective August 1, 2021.

(Amends R.S. 45:201.5)

La. Utilities Restoration Corporation (ACT 293)

Prior law provided that the Uniform Commercial Code - Secured Transactions shall not apply to the La. Electric Utility Storm Recovery Securitization Act (Act), except for the provisions related to financing statements, perfection, and the effect of perfection or nonperfection, the priority of certain security interests, and the enforcement of security interests.

Utility Restoration Corporation

New law provides the Uniform Commercial Code - Secured Transactions shall not apply to certain powers granted to the La. Utilities Restoration Corporation.

New law provides additional powers to the Corporation under the Act and authorizes the Corporation to be an assignee for financing storm costs.

New law provides that before the Corporation may be an assignee, it must seek prior authorization from the Public Service Commission.

New law provides the Corporation may perform the functions and activities that assignees are authorized to do in financing storm recovery costs through storm recovery bonds, except the Corporation shall not be an issuer of storm recovery bonds.

New law provides the Corporation's exercise of its powers is the performance of an essential governmental function of the Corporation under new law.

New law provides the financing of storm recovery costs is a valid public purpose for the Corporation. New law provides the Corporation may negotiate and be a party to certain contracts and other acts in order to carry out the purposes of the Act.

New law provides the Corporation's expenditure of money is under the direction of its governing board and the Commission in accordance with the Act. New law provides such money shall only be paid by the Corporation if approved by the Commission in accordance with the Act, and pursuant to procedures established by the Commission regulations or orders, as applicable.

New law provides that if the Commission's order authorizes the Corporation, the Corporation may purchase storm recovery property from an electric utility using the net proceeds of storm recovery bonds the issuer of the storm recovery bonds loaned it.

New law provides the Corporation is required to only use the proceeds of the storm recovery bonds or storm recovery charges as specified in the order, or use the proceeds for any purpose that is not in excess of the amount allowed in the order, or to any purpose allowed in the order.

New law provides that in addition to the restrictions for filing bankruptcy in law, the Corporation is prohibited from any rehabilitation, liquidation, or dissolution of the Corporation and unless adequate protection and provisions have been made for payment for the payment of bonds, no such action shall take effect as long as any storm recovery bonds are outstanding.

New law provides the Corporation is prohibited from filing a voluntary petition for bankruptcy until two years and one day after the Corporation has satisfied the payment obligations to any issuer of any storm recovery bonds outstanding. New law provides provisions must be included with any contractual obligation for storm recovery bonds under new law.

New law provides the contractual obligation shall not subsequently be modified by state law during the period of the contractual obligation, and this

state and the legislature contract with the holders that the state shall not limit or alter the denial of authority during the period referred to in new law.

New law provides when the Corporation is involved in the issuance of storm recovery bonds, the Corporation shall pledge to and agree with the issuer that until the storm recovery bonds and any ancillary agreements have been paid and performed in full, the Corporation shall not do either of the following:

(1) Take or permit an action that impairs or would impair the value of storm recovery property.

(2) Except as provided under new law and except for adjustments under any true-up mechanism established by the Commission, reduce, alter, or impair storm recovery charges that are to be imposed, collected, and remitted for the benefit of the financing parties until any and all obligations of related storm recovery bonds have been paid or performed in full.

New law provides this does not preclude the limitation or alteration of the contract if it has been paid or performed in full under this new law.

New law provides any person or entity issuing storm recovery bonds may include the pledge in the bonds and related documentation under new law.

New law provides the Corporation is considered a public entity and a governmental unit under law and for the purpose of the Act.

New law provides notwithstanding any provision of law to the contrary, including without limitation the law on revenue bonds and any pledge made by the Louisiana Local Government Environmental Facilities and Community Development, the filing of a financing statement for storm recovery bonds is the method for perfecting a sale, assignment, transfer, or pledge of or security interest or lien on a storm recovery property or any right, title or interest of an assignee or secured party, including an issuer of storm recovery bonds which includes perfecting a security interest that was granted by the Corporation or by a governmental unit issuer under the Act.

New law is not to be interpreted to conflict with or modify certain provisions of prior law. New law provides for the filing of financing statements.

New law provides notwithstanding the financing orders in law, a financing order issued to an electric utility by the commission for storm recovery property may provide the storm recovery property may be sold, assigned, or transferred by the electric utility to the Corporation.

New law provides when an electric utility petitions the Commission for a financing order, the Corporation and the utility shall be a party to the Commission's proceedings under new law.

New law provides that, notwithstanding any provisions to the contrary, relative to financing orders and storm recovery bonds, when a Corporation participates in a securitization financing transaction pursuant to the Act, the financing order may authorize a state public entity that has a separate corporate existence and that is eligible to issue debt on interest that is exempt from federal income tax to be the issuer of the storm recovery bonds.

New law provides the Corporation must arrange to have storm recovery bonds specified in the financing order be issued to an issuer selected by the Corporation and approved by the Commission.

New law provides the Corporation is required to enter a loan transaction with the issuer of the storm recovery bonds and the Corporation must transfer the net proceeds of bonds to the pertinent utility as the purchase price of the storm recovery property.

New law provides the Corporation cannot issue storm recovery bonds. New law provides the Corporation may issue promissory notes under the Act.

New law provides storm recovery bonds issued requires approval by the State Bond Commission.

New law provides a utility may finance storm recovery costs using additional alternatives for costs incurred before the effective date to the extent that the utility has made an application for a determination of eligibility for their storm recovery costs under these additional alternatives law.

Special Public Trusts

New law provides for legislative intent and the creation of special public trusts.

New law provides that the securitization financing as provided in new law, if authorized by the Commission, shall include a commitment by the utility that the proceeds from these bonds are in lieu of recovery of system restoration costs through the regular rate making process to the extent of those securitization financing proceeds.

New law defines the following terms:

(1) "Contributed proceeds" means the money the Corporation contributes to a trust, where the contributed proceeds are the Corporation's net proceeds from an issuance of system restoration bonds in accordance with the terms of a financing order.

(2) "Pledgee" means an issuer as pledgee of the Corporation or an applicable financing party as pledgee of an issuer.

(3) "Preferred interests" means preferred equity interests in a utility affiliate that pay the preferred dividends to the trust that purchased the preferred equity interests.

(4) "Purchase proceeds" means proceeds received by a utility affiliate from the sale of its preferred interests to a trust.

(5) "Related bonds" means with respect to a trust, the system restoration bonds that funded the net proceeds transferred by an issuer to the Corporation and then contributed by the Corporation to that trust.

(6) "Related utility" means the utility that is a beneficiary of a trust and obtains a financing order under the provisions of new law. A related utility is an affiliate of the utility affiliate that sells its preferred interests to the trust for purchase proceeds.

(7) "Trust" means an express special public trust created only pursuant to and in compliance with the provisions of new law; this trust shall not be an issuer of system restoration bonds and is not created under the public trust laws.

(8) "Trust agreement" means a written instrument that creates the trust together with all amendments.

(9) "Utility affiliate" means an affiliate of the utility that obtained a financing order under the provisions of the new law.

New law provides the Corporation may create express special public trusts to accomplish the Corporation's function and purpose under the provisions of new law.

New law provides that a financing order may authorize the Corporation to contribute to a trust all of its net proceeds from the issuance of system restoration bonds and the trust is required to use all the proceeds to purchase preferred interest from the related utility.

New law provides certain provisions of the La. Energy Emergency Relief Act do not apply to securitization financing under the provisions of new law.

New law requires the utility affiliate sell its preferred interests to the trust, and requires the related utility to purchase proceeds for corporate purposes that supports the related utility's financial strength and stability and promotes the economic welfare of the citizens of the state.

New law provides the utility must request in its application to the Commission that a trust shall be used in its distribution of system restoration bonds proceeds.

New law provides the financing order may create the system restoration property pursuant to new law, and provides the financing order does not have to meet all the requirements for financing orders if the Commission in its order requires the Corporation to transfer the net proceeds of the bonds to a trust that has the related utility as a beneficiary, who is subject to the financing order and upon receipt of the purchased proceeds by the related utility with the trust, requires the related utility to do the following:

(1) Sets aside in a restricted escrow account, the money or investment used to fund the related utility's storm damage reserve.

(2) Not seek to recover the system restoration costs, to the extent of the bond's proceeds from its commission-jurisdictional customers.

(3) Flow through that benefits its customers the amount of any insurance proceeds, federal government grants, or similar source of permanent reimbursement received by the related utility after the issuance of the financing order, relating to that system restoration activity and those same system restoration costs.

New law provides the financing order requires, upon receipt of purchase proceeds by the related utility affiliate, the related utility fully release any claim the utility has to recover from its commission-jurisdictional customers any of the system restoration costs covered by the financing order.

New law provides the Corporation may create a trust in movable property, with the Corporation and the related utility as the beneficiaries, when the Commission approves the financing order. New law provides the trust owns, administers, and distributes the trust property that contributes and earns for the benefit of its beneficiaries and, if applicable, a pledgee. New law provides an independent trustee manages the operations and activities of the trust, and provides only the trust owns trust property.

New law provides the trust does not have the power to be an issuer of system restoration bonds or issue these bonds, notes, or obligations, and these bonds are not a debt of the trust.

New law provides no funds of the Corporation or the Commission shall be charged with or expended for the operation expenses for the trust.

New law provides that if the financing order authorizes it, the costs of creating a trust before its trust agreement becomes effective may include the issuance costs. New law provides the costs associated with the operation of the trust shall be paid solely from the related utility's share of the dividend income or redemption proceeds from preferred interests.

New law provides a public trust shall have a legal existence that is separate and distinct from the state and the trust's settlors and beneficiaries, and other public trusts. New law provides the trust is not a political subdivision, department, unit, agency, board, or commission of the state.

New law provides the trust assets are not part of the state's general fund or any funds in the state treasury. New law provides the state, the Commission, and the Corporation shall not budget for or provide appropriations to the trust and the monies in each fund created shall be held in separate funds.

New law provides for powers and functions of the trust.

New law subjects the special public trust to the Public Records Law.

New law provides the trust's domicile is East Baton Rouge Parish.

New law provides the legislative auditor may examine the trust's books and accounts, and requires the trust agreement includes provisions the trust has an annual, independent audit by a certified public accountant.

New law provides the beneficiary is not charged personally with any liability by reason of any act or omission committed or suffered in the performance of the trust's operations.

New law provides the trust shall be created, organized, structured, and empowered by a written instrument in accordance with new law.

New law provides the Corporation is the settlor of the trust agreement, either by authentic act or by act under private signature executed in the presence of two witnesses, and is duly acknowledged by the settlor or by the affidavit of one of the attesting witnesses.

New law provides the trust agreement is effective upon the trustee's acceptance and the beneficiaries as provided in the new law.

New law provides when the trust agreement is in effect, the trust is a juridical person, even if the trust has no property until a later time, and the trust agreement constitutes a binding contract between the Corporation as settlor, the beneficiaries and the trustee, for the acceptance of the beneficial interests in the trust by the designated beneficiaries, and the application of the proceeds of the trust property and its operation for the purposes, and in accordance with the stipulations of the approved trust agreement.

New law provides the trust agreement shall not be an ancillary agreement as defined pursuant to the Louisiana Utilities Restoration Corporation Act.

New law provides that before the execution of a trust agreement, it needs approval from the commission. New law provides the trustees and beneficiaries have to accept the trust agreement before it becomes effective.

New law provides the Corporation settlor and the related utility are the only beneficiaries of the trust.

New law requires that after the trust agreement takes effect, the trust agreement must be recorded in the conveyance records of the East Baton Rouge Parish clerk of court.

New law provides that when the trust agreement is modified, amended, terminated, or rescinded, these changes require approval from the Commission, the Corporation, the beneficiary-related utility, and the trustee. New law provides these changes must be recorded in the conveyance records of the East Baton Rouge Parish clerk of court.

New law provides the trust has a duration that is specified in the trust agreement. New law provides that, notwithstanding any provisions of the trust agreement or the new law above, the termination, rescission, rehabilitation, liquidation, or dissolution of the trust may take effect if any of the related bonds are outstanding.

New law provides once the trust is terminated, the trustee is required to file a certificate of termination in the conveyance records of the East Baton Rouge Parish clerk of court.

New law provides for requirement in naming a trust.

New law provides the Commission shall regulate each trust concomitant with the Commission's regulation of the related utility and notwithstanding such regulation, a trust shall not be considered a public utility or an agent of any utility.

New law provides any expenses of examination by the Commission shall be charged to the trust being examined and recovered and from the related utility's share of the distributions or redemptions in respect of the preferred interests held by that trust.

New law provides the trust shall perform only those functions consistent with and effectuate only the purposes of new law.

New law provides the trust shall acquire and subscribe for preferred interests of a utility affiliate using all of the contributed proceeds of system restoration bonds received from the Corporation as settlor.

New law provides that notwithstanding the law on requiring the Corporation to transfer the proceeds of the system restoration bonds, the financing order must require the Corporation to transfer the net proceeds of the system restoration bonds it receives as required by law, to a trust that

has as a beneficiary and a related utility that is collecting the applicable system restoration charges.

New law provides the financing order requires the trust to use those contributed proceeds as provided in new law, requires the trust use the distributions that are purchased preferred interests as provided in new law, and requires that they be subject to the requirements set forth in new law.

New law provides the financing order shall include the related utility's commitment that, upon receipt of the purchase proceeds by the utility affiliate, the related utility shall fully release any claims or rights to recover the system restoration costs, to the extent the related bonds' proceeds are from any of its Commission-jurisdictional customers, and requires the related utility to set aside in a restricted reserve account, an amount and manner the Commission requires, and the use of this money or investment is to fund the utility's storm damage reserve.

New law provides the trust shall pay distributions, in respect of the preferred interests to the beneficiaries of the trust shared between the beneficiaries, as specified in the approved trust agreement, or when applicable, to a permitted pledgee, and for expenses permitted under new law.

New law provides the trust may cause the periodic redemption of the preferred interests only as provided in the approved trust agreement, and that the terms shall be approved by the Commission in the financing order or by the use of an alternate approval method.

New law provides system restoration bonds in a financing order are not a debt of the trust when it is issued pursuant to new law. New law provides these bonds are nonrecourse to the credit or any assets of a trust, other than the trust's obligation to distribute proceeds to the Corporation or a pledgee as specified in the trust agreement and pursuant to the pledge by the Corporation, to the issuer of the related bonds, as security for repayment of a loan to the Corporation by the issuer.

New law provides the terms of the indenture, and other financing documents pertaining to system restoration bonds issued under new law, must be consistent with new law.

New law provides the trustee of a trust shall not serve as a trustee under an indenture pertaining to the related bonds authorized by the financing order relating to that trust.

New law provides only the following entities shall serve as a trustee of a trust established under new law:

(1) A federally insured depository institution organized under the laws of this state, another state, or the United States.

(2) A financial institution or trust company organized under the laws of this state or the United States, authorized to exercise trust or fiduciary powers under the laws of this state or the United States, or a trust company, organized under the laws of another state, and operating in this state pursuant to the laws for out-of-state trust companies.

New law provides an original trustee, an alternate trustee, or a successor trustee may be designated in the trust agreement or chosen by the use of a method used in the trust agreement.

New law provides the trustee who accepts the trust under the provisions of new law submits to the jurisdiction of the courts of this state.

New law provides the trust acting through its trustee may employ or retain attorneys, accountants, and other professionals it deems necessary to carry out its duties under the provisions of new law.

New law provides that the compensation of a trustee, professionals, and other costs to operate a trust is not included within the financing costs.

New law provides all compensation and other costs is first to be paid from the related utility's beneficiary share of the dividend income the trust receives from its preferred interests. New law provides that if the related utility's dividend

income is insufficient to pay these expenses, the expenses are paid from the related utility's beneficiary share of redemption payments in respect of the preferred interests.

New law provides the trust agreement may provide indemnity to a trustee for expenses the trustee incurred for the administration of trust property, but the amounts are only paid from the related utility's portion of the trust property or directly from the related utility, if the related utility agrees to such direct payment.

New law provides the trustee administers the trust in the interest of the beneficiaries, and if applicable, a pledgee, in accordance with the trust agreement.

New law provides the trust shall keep for the beneficiaries at least annually, accurate accounts of its administration as specified in the trust agreement.

New law provides the beneficiary may request the trustee within a reasonable time to provide the beneficiary complete and accurate information as to the nature and the amount of the trust property, and the trustee shall permit the beneficiary or its agents to inspect the accounts and any other documents relating to the trust.

New law provides the trustee shall administer the trust as a prudent person would administer it.

New law provides the trustee shall invest the trust property only in preferred interests as provided in new law and the applicable trust agreement. New law provides the trustee shall have no liability for investing within the limitations as required.

New law provides the trustee's duties and powers of a trustee shall be included in the trust agreement, except as provided under new law. New law provides the trust agreement may relieve the trustee from liability, unless the liability is for breach of the duty of loyalty to a beneficiary, or for breach of trust committed in bad faith.

New law provides the trustee may not sell or encumber trust property except for redemptions of preferred interests as authorized by the trust agreement.

New law provides the Corporation shall pledge to and agree with the issuer, for the benefit of the issuer, the bondholders, and other financing parties, that until the related bonds and any ancillary agreements have been paid and performed in full, the Corporation shall not do either of the following:

(1) Take or permit any action that impairs or would impair the value of the Corporation's beneficial interest in the applicable trust, other than the distributions of dividend income and redemption proceeds and in the trust agreement.

(2) Approve or allow a modification or amendment pertaining to the Corporation's beneficial interest in the applicable trust, or a termination or rescission of the applicable trust agreement or the applicable trust, or in any other way impair the rights and remedies of the Corporation as beneficiary under the applicable trust, provided that nothing shall preclude the distributions of dividend income, and the redemption proceeds and in the trust agreement.

New law defines "bondholder" as a person who holds a system restoration bond including in book entry form.

New law provides that prior to the date that is two years and one day after which the Corporation no longer has any payment obligation outstanding to the issuer of the related bonds, a trust is prohibited from filing and has no authority to file a voluntary petition under federal law.

New law provides the limitation of bankruptcy provisions are included in the contractual obligation owed to the bondholders under the new law.

New law provides that during the time of the contractual obligation, the state is not permitted to modify new law, and the state and the legislature will make a covenant with the bondholders that the state and the legislature will not limit or alter the denial of authority during the period referred to in new law.

New law provides trust's beneficiaries have no power over the trust or the trust property and the beneficiary shall not alienate or encumber its beneficial interest in a trust, except what is authorized under new law.

New law provides if authorized in the financial order, a trust agreement must permit the Corporation to encumber its interest as beneficiary in favor of the issuer of the related bonds as additional security for the repayment of the loan of the net proceeds of the related bonds made to a Corporation by that issuer.

New law provides that the trust agreement shall require the trustee to pay the pledgee all or a portion of a distribution owing to the Corporation after the trustee receives notification, which is authenticated by the Corporation or the pledgee, that the amount due or to become due has been assigned and payment is to be made to the pledgee.

New law provides the trustee may request the pledgee furnish proof of assignment, and unless the pledgee complies, the trustee may pay the Corporation, even if the trustee has received a notification pursuant to new law.

New law provides the pledgee may seize only distributions of dividend income and redemption payments that the trustee authorized, but has not been paid to the Corporation beneficiary as pledgor.

New law provides the trust agreement requires the interest of the related utility beneficiary is not subject to voluntary or involuntary alienation or encumbrance. New law provides the restraint is valid, but a restraint is subject to the limitations of a creditor.

New law provides the creditor of a related utility beneficiary may seize only distributions of dividend income and redemption proceeds that have been authorized by the trustee and have not yet been paid to such beneficiary.

New law provides the Corporation's beneficial interest in a trust, interests in income and principal, receipts, and proceeds from trust distributions shall be considered to be income, revenues, monies, receipts and contract rights.

New law provides the pledge and security interest the Corporation granted is effective when the trustee receives a copy of the pledge, or the trustee receives the security agreement, and is valid, perfected, and enforceable against the Corporation and other third parties from the time when the pledge and grant is made, without any notice or filing of any kind under new law.

New law provides the filing of a financing statement is not required to perfect the pledgee's security interest under new law. New law provides the pledge and security interest secures all obligations that exist or arise under new law. New law provides the perfected pledge and security interest is a continuously perfected privilege and security interest in all movable property as described in new law, whether or not the interests, income, receipts, proceeds, or distributions have accrued. New law provides conflicting pledges, if allowed, shall rank according to priority in time of perfection.

New law provides that as long as these requirements are not inconsistent with the provisions for discharging the debtor or restrictions on assignment, the provisions under new law are controlling.

New law provides all powers granted shall be liberally construed to effectuate its purposes without implied limitations under new law. New law provides all powers granted to the Commission, the Corporation, and a trust are cumulative with those derived from other sources and are not limited except as limited under new law.

New law provides a utility may finance system restoration costs under new law if the utility incurred costs before the effective date. New law provides that if the utility has made an application to determine its eligibility on system restoration costs incurred before the effective date, the application may provide the basis for the Commission's financing order under new law, and is subject to the provisions of the additional powers for corporations.

New law provides the failure of the utility, its utility affiliate, the trust, or the trustee or any beneficiary to perform their obligations under new law, or under the trust agreement, or applicable financing order, does not affect or impair the system restoration property, or any rights of the Corporation, the issuer or any financing party under the financing order, including the right to receive billed and collected system restoration charges.

New law provides that nothing is construed to deny, limit, or diminish the Commission's jurisdiction and authority to enforce the provisions of any financing order.

New law provides the Corporation may participate in financing transactions by the Act, after prior authorization from the Commission and as provided by the provisions granting the Corporation additional powers, financial orders, and issuers of storm recovery bonds under new law.

Effective upon signature of the governor (June 14, 2021).

(Amends R.S. 10:9-109; adds R.S. 45:1237-1240 and 1331-1343)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Employment Program for Welfare Recipients (ACT 209)

Present law requires the Department of Children and Family Services to develop and implement Strategies to Empower People (STEP) as the employment program for work eligible recipients of cash assistance in accordance with the provisions of the Federal Welfare Reform Act.

Prior law required the La. Workforce Commission to collaborate with the Department to identify and coordinate employment services for the program.

New law provides the Commission may collaborate with the Department to identify and coordinate employment services for the program.

Prior law required employment services to be delivered pursuant to performance-based contracts between the Department and the Commission, other governmental agencies, or any community partner.

New law provides that employment services may be delivered pursuant to performance-based contracts between the Department and the Commission, other governmental agencies, or any community partner.

New law removes the requirement that the secretary of the Department provide workers' compensation and liability insurance coverage for participants engaged in work experience or community service activities.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 46:231.12)

Paternity and Support Proceedings and DCFS (ACT 11)

Present law requires the Department of Children and Family Services (DCFS) to be named as an indispensable party to any proceeding involving a support obligation or arrearages owed as part of the family or child support program.

New law requires that when providing support enforcement services, DCFS is to be named as an indispensable party to any paternity proceedings or proceedings involving a support obligation or arrearages owed under any circumstance.

New law requires that in any action, pleading, or written stipulation in certain proceedings relative to paternity or a support obligation, a party shall certify in the initial pleading whether support enforcement services are being provided by DCFS on behalf of the child involved.

New law provides that if support enforcement services are being provided, the party shall serve a copy of the pleading or stipulation on DCFS.

New law provides that if, during the pendency of the action, a child becomes the recipient of

support enforcement services, both parties shall notify the court and the court shall provide DCFS with a copy of any hearing notice pertaining to a pending proceeding.

New law provides that if notice is not given, DCFS shall not be bound by any decision, judgment, or stipulation rendered in the action.

Effective Jan. 1, 2022.

(Amends R.S. 46:236.1.9(C))

Foster Care (ACT 351)

New law enacts a "Foster Youth's Bill of Rights" to be implemented through the policies and practices of the Department of Children and Family Services for certain youth in foster care in the state.

New law enumerates rights for youth in foster care who are ages 14-18, involving privacy; participation in planning for care, including attending court hearings and case plan meetings; a stable and supportive setting free from neglect, abuse, exploitation, or discrimination; having medical and mental health needs met on a regular and timely basis; meeting with the youth's caseworker, attorney, and CASA volunteer; access to materials necessary for school and to further the youth's education; extracurricular activities; the youth's cultural, religious, and ethnic traditions and belief systems; participation in the Independent Living Skills Program within the youth's region; and the expression and voicing of the youth's needs, concerns, and desires about foster care.

New law provides that it shall be known as "The Louisiana Elite Advocacy Force Act" or "The LEAF Act".

Effective upon signature of the governor (June 17, 2021).

(Adds R.S. 46:286.16)

Managed Care Organizations and Health Care Providers (ACT 204)

Present law provides for the credentialing of healthcare providers by managed care organizations (MCOs) in the Medicaid managed care program of this state.

New law decreases the maximum length of time for an MCO to complete a credentialing process once it receives all the information needed for credentialing from 90 days to 60 days.

New law decreases from 60 days to 45 days the time limit after an MCO makes a request for any needed verification or verification supporting statement for the MCO to inform an applicant that the requested documentation has not been received.

New law provides that a healthcare provider shall be considered credentialed, recredentialed, or approved and will receive payment according to the Medicaid fee schedule if an MCO fails to act within 60 days of receipt of all information needed for credentialing.

New law requires that employees, contractors, and subcontractors of MCOs performing work or services related to the performance or supervision of audits, prior authorization determinations, and clinical reviews of mental health rehabilitation services providers shall receive annual training on the state's Medicaid Behavioral Health Provider Manual, and the relevant state laws, policies, and regulations related to the state's mental health rehabilitation program.

New law requires that employees, contractors, and subcontractors of MCOs shall take all necessary steps to ensure mental health rehabilitation services providers are rostered, credentialed, or otherwise eligible to provide and be reimbursed for mental health rehabilitation services.

Prior law provided that any individual rendering psychosocial rehabilitation (PSR) services who does not possess the minimum bachelor's degree required in prior law, but who met all provider qualifications in effect prior to July 1, 2018, may

continue to provide PSR services for the same provider agency. Prior law required that prior to the individual rendering PSR services at a different agency, he must comply with the provisions of prior law relative to eligibility for receiving Medicaid reimbursement effective on and after July 1, 2018.

New law provides that any individual rendering PSR services who does not possess the minimum bachelor's degree required in prior law, but who met all provider qualifications in effect prior to July 1, 2018, may continue to provide those services for any licensed and accredited provider agency.

New law requires that a mental health rehabilitation services provider has a right to an independent review of an adverse determination taken by a managed care organization that results in a recoupment of the payment of a claim based on a finding of waste or fraud.

Effective January 1, 2022.

(Amends R.S. 40:2162 and R.S. 46:460.61; adds R.S. 46:460.77.3 and 460.81(D))

Slidell Memorial Hospital (ACT 49)

New law changes the provisions governing the composition of the nominating committee and the board of commissioners of the hospital.

Effective August 1, 2021.

(Amends R.S. 46:1098.5, 1098.6, and 1098.7)

Specialized Provider Licensing Act (ACT 31)

Present law provides that the legislative intent of the Specialized Provider Licensing Act, R.S. 46:1401 et seq., is to protect the health, safety, and well-being of the children and youth of the state who are in out-of-home care on a regular or consistent basis. Present law provides for licensing by the Dept. of Children and Family Services (DCFS) of specialized providers, defined as child-placing agencies, maternity homes, and certain residential homes providing care for children.

Present law authorizes DCFS to issue sanctions against specialized providers operating in violation of regulations related to the state central registry disclosure process. New law refers instead to state central registry clearances.

(Amends R.S. 46:1430)

Human Trafficking Prevention (ACT 352)

Present law provides for a 17-member La. Human Trafficking Prevention Commission in the office of the governor and a 23-member advisory board for the purpose of coordinating human trafficking prevention programs and integrating delivery of services to human trafficking victims.

New law, effective July 1, 2021, creates the office of human trafficking prevention (OHTP) in the governor's office for the purpose of coordinating resources of public and private entities engaged in providing assistance to human trafficking victims. New law places the Commission within OHTP.

New law provides for an executive director of OHTP appointed by the governor and confirmed by the Senate, adds the executive director to the Commission, and provides for the executive director to employ necessary staff.

New law provides for the powers and duties of OHTP, including the requirement to develop and implement a comprehensive strategic plan to prevent human trafficking and to address the needs of human trafficking victims. New law requires the plan to be submitted annually to the legislature, the Department of Children and Family Services (DCFS), and certain other statutory entities.

Prior law required DCFS to make a current listing of safe houses for sexually exploited children available to courts, prosecutors, and other stakeholders.

New law requires the list to be made available to OHTP as well and requires an annual report on their operations, including the services offered, and a listing of credentials, training, and licenses specific to survivor-centered and trauma-

informed services for human trafficking survivors.

Prior law required each private entity providing victims services pursuant to prior law and each safe house to submit annual reports to DCFS on their operations, including information on services offered, training, or certifications received specific to human trafficking prevention. Prior law required DCFS to compile data from the reports and provide the data to the legislature by February first.

New law requires reports to be submitted to OHTP as well as DCFS, and moves the requirement for data compilation and transmission to the legislature from DCFS to OHTP.

Prior law required DCFS to create a coalition to develop a human trafficking victim services delivery model, giving consideration to the recommendations of and collaborating with the Commission and advisory board. New law repeals prior law.

Effective upon signature of the governor (June 17, 2021).

(Amends R.S. 46:2161, 2161.1, 2165, 2166(D), 2167, and Children's Code Art. 725.2; adds R.S. 36:4(J) and R.S. 46:2169-2169.1; repeals R.S. 46:62)

TITLE 47: REVENUE AND TAXATION

Corporate Income Taxes (ACT 396)

New law repeals the present law provisions that authorize a state deduction for federal income taxes paid for purposes of calculating corporation income taxes and repeals the deduction for S corporations that elect to be taxed at the corporate level.

Prior law required the tax to be assessed, levied, collected, and paid on the La. taxable income of every corporation to be computed at the following rates:

(1) 4% on the first $25,000 of La. taxable income.

(2) 5% on La. taxable income above $25,000 but not in excess of $50,000.

(3) 6% on La. taxable income above $50,000 but not in excess of $100,000.

(4) 7% on La. taxable income above $100,000 but not in excess of $200,000.

(5) 8% on all La. taxable income in excess of $200,000.

New law changes the corporate income tax brackets and the corporate income tax rates as follows:

(1) 3.5% on the first $50,000 of La. taxable income.

(2) 5.5% on La. taxable income above $50,000 but not in excess of $150,000.

(4) 7.5% on all La. taxable income in excess of $150,000.

Prior law provided for the rate of tax on the taxable income of every S corporation that elects to be taxed at the corporate level at the rates of:

(1) 2% on the first $25,000 of La. taxable income.

(2) 4% on La. taxable income above $25,000 but not in excess of $100,000.

(3) 6% on La. taxable income in excess of above $100,000.

New law reduces the rate of tax on the taxable income of every S corporation that elects to be taxed at the corporate level as follows:

(1) From 2% to 1.85% on the first $25,000 of La. taxable income.

(2) From 4% to 3.5% on La. taxable income above $25,000 but not in excess of $100,000.

(3) From 6% to 4.25% on La. taxable income in excess of $100,000.

Applicable for taxable periods beginning on or after Jan. 1, 2022.

Effective Jan. 1, 2022, if the proposed amendment of Article VII of the Constitution of La. contained in the Act which originated as House Bill No. 275 of this 2021 R.S. of the Legislature or the Act which originated as Senate Bill No. 159 of this 2021 R.S. of the Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill No. 278 and Senate Bill No. 161 of this 2021 R.S. of the Legislature are enacted and become law.

(Amends R.S. 47:32, 241, 287.12, 287.69, 287.442, and 287.732.2; Repeals R.S. 47:55(5), 287.79, 287.83, and 287.85)

Income Taxes of Individuals, Estates, and Trusts (ACT 395)

New law reduces individual income tax rates as follows:

(1) From 2% to 1.85% on the first $12,500 of net income.

(2) From 4% to 3.5% on the next $37,500 of net income.

(3) From 6% to 4.25% on net income in excess of $50,000.

New law requires the reduction in each individual income tax rate if, beginning April 1, 2024, and each April first thereafter through 2034, the prior fiscal year's actual individual income tax collections as reported in the state's accounting system exceed the actual individual income tax collections for the fiscal year ending June 30, 2019, adjusted annually by the growth factor provided for in the present constitution. If the conditions in new law are met, individual income tax rates shall be reduced beginning the following Jan. first.

New law requires the reduced rate to be calculated by multiplying each current rate by the difference between one and the percentage change in individual income tax collections in excess of the individual income tax collections for Fiscal Year 2018-2019 adjusted annually by the growth factor as provided for in the present constitution.

New law prohibits this reduction unless both of the following conditions are met:

(1) The prior fiscal year's actual total tax, licenses, and fees exceed the actual total tax, licenses, and fees for Fiscal Year 2018-2019, adjusted annually by the growth factor provided for in the present constitution.

(2) The Budget Stabilization Fund balance as determined by the treasurer is at least 2.5% of the total state revenue receipts from the prior fiscal year.

New law requires the secretary of the Dept. of Revenue to publish the reduced rates and to include the rate reduction when publishing the tax tables and withholding tables authorized by present law.

New law requires the actual individual income tax collections and actual total tax, licenses, and fees used in the calculations required in new law to be certified by the Office of Statewide Reporting and Accounting Policy.

New law defines "growth factor provided for in Article VII, Section 10(C) of the Constitution" as the positive growth factor that is the most recent average annual percentage rate of change of personal income for La. as defined and reported by the U.S. Dept. of Commerce for the three calendar years prior to the fiscal year for which the calculation is made.

New law defines "actual total tax, licenses, and fees" as actual total tax, licenses, and fees as reported to the Revenue Estimating Conference.

Present law authorizes a deduction from individual income taxes for excess federal itemized personal deductions. The term "excess federal itemized personal deductions" is defined to mean the amount by which the federal itemized personal deductions exceed the amount of the federal standard deduction designated for the filing status used for the taxable period on the individual income tax return.

New law changes present law to limit the expenses eligible to be claimed on a state return to expenses for medical care used by the taxpayer in the calculation of federal taxable income that exceed the amount of the federal standard deduction. New law provides the term "expenses for medical care" has the meaning ascribed to it in federal law.

Present constitution and present law authorize a mandatory state deduction for federal income taxes paid for purposes of computing income taxes for the same period. New law repeals the present law provisions that authorize a state deduction for federal income taxes paid for purposes of calculating income taxes.

Present law requires the secretary to establish tax tables that calculate the tax owed by taxpayers based upon where their taxable income falls within a range that does not exceed $250. Prior law required the secretary to provide in the tax tables the combined personal exemption, standard deduction, and other exemption deductions in present law which are deducted from the 2% bracket. If the combined exemptions and deductions exceed the 2% bracket, the excess is deducted from the 4% bracket, and then the 6% bracket.

New law changes prior law by authorizing the combined personal exemption, standard deduction, and other exemption deductions to be deducted from the lowest income tax bracket. If the combined exemptions and deductions exceed the lowest bracket, the excess is deducted from the next lowest bracket.

New law changes income tax rates on estates and trusts as follows:

(1) From 2% to 1.85% on the first $10,000 of La. taxable income.

(2) From 4% to 3.5% on the next $40,000 of La. taxable income.

(3) From 6% to 4.25% on La. taxable income in excess of $50,000.

Prior law provided for the computation of La. taxable income for a resident estate or trust, including provisions for the federal income tax deduction, limitations of deductions for net income, provisions for the federal deduction for alternative minimum tax, and the authority of the secretary of the Dept. of Revenue to consider reductions to the federal income tax deduction and the determination of the deductible portion of an alternative minimum tax.

New law retains prior law except as it applies to the deductibility of federal income taxes. New law provides that no federal income tax deduction is allowed on net income upon which no La. income tax was incurred or upon which no income tax will be paid.

Prior law authorized the secretary of the Dept. of Revenue to promulgate rules to establish special withholding tax tables that take into account specific factors that the secretary deems compatible with the efficient implementation and administration of the no-return option program including the federal income tax deduction.

New law repeals authority for the secretary to consider the federal income tax deduction when promulgating rules to establish special withholding tables.

Applicable for taxable periods beginning on or after Jan. 1, 2022.

Effective Jan. 1, 2022, if the proposed amendment of Article VII of the Constitution of La. contained in the Act which originated as House Bill No. 275 of this 2021 R.S. of the Legislature or the Act which originated as Senate Bill No. 159 of this 2021 R.S. of the Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill 292 and Senate Bill No. 161 of this 2021 R.S. of the Legislature are enacted and become law.

(Amends R.S. 47:32, 241, 293, 295, 300.1, 300.6, and 300.7; Adds R.S. 47:32.1; Repeals R.S. 47:296.1(B)(3)(c) and 298)

Partnership Taxation (ACT 287)

Prior law required that the due date for partnership information returns for the previous calendar year is April 15th. New law changes the due date to May 15th.

Prior law provided that partnerships are not subject to state income tax. New law provides for an exception for partnerships that make elections to pay income tax audit adjustments on behalf of their partners under new law.

Prior law required partnerships with nonresident members to file annual informational returns with the Dept. of Revenue. New law requires all partnerships doing business in Louisiana to file annual informational returns.

New law defines "partnership" as an entity subject to taxation pursuant to Subchapter K of the Internal Revenue Code.

New law provides for the reporting of partnership audit adjustments of federal taxable income to the Dept. of Revenue.

New law provides the general rule, for taxpayers not using optional procedures in new law, that a taxpayer shall report and pay any Louisiana income tax due with respect to final federal adjustments arising from an audit or other action by the IRS, or reported by the taxpayer on a timely filed amended federal income tax return, no later than 180 days after the final determination date.

New law provides that, except for negative federal adjustments and in the case where the taxpayer follows the general rule, partnerships and partners shall report final federal adjustments arising from a partnership level audit or an administrative adjustment request and make payments as required by new law.

New law provides for the designation of a state partnership representative for the reviewed year who has the sole authority to act on behalf of the partnership and to bind all partners.

New law requires that final federal adjustments be reported no later than 90 days after the final determination date and that the partnership must notify the department of the adjustments and notify the direct partners of their distributive share of the final federal adjustments.

New law requires that within 180 days of the final determination date each direct partner must file a federal adjustments report with the state and pay any additional amount due.

New law authorizes a partnership election under which the partnership pays any state taxes owed on federal partnership audit adjustments on behalf of its partners.

New law provides that partnerships making the partnership pays election must file a federal adjustments report with the department notifying the department of its partnership pays election within 90 days of the final determination date.

New law provides that a partnership making the partnership pays election shall pay an amount in lieu of taxes owed by its partners at the highest corporate rate for corporate partners and at the highest individual income tax rate for partners that are individuals, estates, or trusts.

New law provides for exclusions from state tax for certain federal adjustments.

New law provides that a partnership not otherwise subject to state filing and payment obligations that makes the partnership pays election is consenting to be subject to the tax laws of this state.

New law makes provisions for reporting adjustments and making payments for tiered partners.

New law authorizes the secretary to provide for de minimus exceptions by rule.

New law provides for prescriptive periods for the assessment of additional state tax, interest, and penalties arising from adjustments to federal taxable income.

New law authorizes state estimated tax payments to be made during a federal corporation or partnership audit prior to the due date of the federal adjustments report. New law provides that any estimated payments will be credited against any state tax later determined to be due or refunded if it is determined that the estimated payment exceeded the tax liability.

New law provides for procedures for claims for refund of an overpayment of tax arising from final federal adjustments made by the IRS.

New law provides that any state income tax refund made to a partnership that makes the partnership pays election is in lieu of any refund that would otherwise be owed to the partners for the state adjustment.

New law provides that unless the secretary and the taxpayer have a written agreement to the contrary, that all state adjustments made after a tax period prescribes are limited to tax liability changes arising from the federal adjustments for both corporations and partnerships.

New law authorizes the secretary to grant extensions of time for partners and partnerships to file the federal adjustments report.

New law provides that new law does not alter the secretary's authority to determine the correct amount of tax reportable by the taxpayer to the IRS.

New law authorizes the department to provide by rule for similar procedures for state partnership audits.

New law limits state adjustments to items within the scope of the federal audit.

Effective upon signature of the governor (June 14, 2021).

(Amends R.S. 47:103 and 201; adds R.S. 47:201.2, 287.614(C)(3), and 287.657)

Service Recipient Income Reports (ACT 285)

New law requires any service recipient who makes or is required to make a return to the IRS relating to payments made to a service provider as remuneration for services provided in this state to file an annual report with the secretary beginning January 1, 2022.

New law requires the annual report to be filed with the Department of Revenue secretary on or before February 28th of each year for the preceding calendar year.

New law requires the first annual report to be filed on or before February 28, 2022, for remunerations made during calendar year 2021.

New law authorizes the secretary to grant filing extensions and waive the annual reporting requirement in certain circumstances.

Present law requires the Department of Children and Family Services to secure, either electronically or by hard copy, wages and unemployment compensation information which is required to be submitted to the secretary of the U.S. Department of Labor for entry into the state directory of new hires.

New law requires that the Department of Children and Family Services secure, either electronically or by hard copy, any information reported to the Department of Revenue regarding annual reports filed by service recipients.

New law authorizes the secretary of the Department of Revenue to share or furnish information with the Department of Children and Family Services regarding annual reports filed by service recipients.

Effective July 1, 2021.

(Amends R.S. 46:236.14 and R.S. 47:1508; adds R.S. 47:114.1)

Donations to Sexual Trauma Organization (ACT 3)

New law provides for an individual income tax checkoff for donations to the Sexual Trauma Awareness and Response (STAR) organization.

New law provides for an income tax checkoff pursuant to which an individual can donate all or a portion of his state income tax refund to the Sexual Trauma Awareness and Response (STAR) organization in lieu of that amount being paid as a refund.

New law requires donated monies to be administered by the secretary of the Dept. of Revenue and to be quarterly disbursed to STAR.

New law authorizes the House Committee on Ways and Means, at its discretion, to request reports from STAR relative to its operations. The form and content of the report shall be prescribed by the chairman of the committee but shall at a minimum contain a detailed explanation of revenues and expenditures, as well as a description of the organization's activities.

Applicable to taxable years beginning on or after Jan. 1, 2021.

(Adds R.S. 47:120.351)

4-H Camp Grant Walker (ACT 228)

New law provides an income tax checkoff for donations to the La. State University Bd. of Supervisors to be used exclusively for 4-H Camp Grant Walker. New law provides that donated monies are administered by the secretary of the Dept. of Revenue and distributed to the board of supervisors in accordance with present law.

Applicable to taxable years beginning on or after Jan. 1, 2022.

(Adds R.S. 47:120.351)

Income Tax Exemption for Certain Nonresident Employees (ACT 383)

Prior law required nonresident individuals to pay individual income tax to the state for all income earned within or derived from sources in the state.

New law exempts nonresident employees who perform their employment duties in this state for 25 or fewer days during a calendar year.

New law provides that this exemption for employees only applies if all of the following are true:

(1) The nonresident individual performed employment duties in this state for 25 or fewer days during the year.

(2) The nonresident individual performed employment duties in more than one state.

(3) The nonresident individual did not receive the wages for performing duties as a professional athlete, staff member of a professional athletic team, professional entertainer, public figure, or qualified production employee.

(4) The nonresident individual's state of residence either provides a substantially similar exemption or does not impose an individual income tax.

(5) The nonresident individual did not have any other La. source income.

Prior law required every employer paying wages to an employee performing services in the state to deduct and remit withholding tax.

New law exempts employers from this requirement for employees who perform employment duties in this state for 25 or fewer days during the year if the employee is exempt from state individual income tax under new law.

New law provides that if a nonresident employee performs employment duties in this state for more than 25 days, that the employer is required to remit tax to this state for every day in that calendar year, including the first 25 days.

New law does not allow the Dept. of Revenue to impose penalties or charge interest for failure to withhold by an employer with nonresident employees, if the employer relied on:

(1) Data from a time and attendance system specifically designed to allocate employee wages for income tax purposes among all taxing jurisdictions.

(2) In the absence of a time and attendance system, on its own records maintained in the regular course of business or on the employee's determination of the time the employee performed employment duties in this state, provided that the employer did not have actual knowledge of fraud on the part of the employee.

Effective upon the signature of the governor (June 16, 2021).

(Amends R.S. 47:242 and 293; adds R.S. 47:111(A)(12), 112.2, and 248)

Corporate Net Operating Loss Deductions (ACT 459)

Prior law provided for a net operating loss deduction on La. corporation income, and authorized a net operating loss to carry over to each of the 20 taxable years following the taxable year of loss, on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

New law provides that for all claims for this deduction on any return filed on or after Jan. 1, 2022, for net operating losses relating to loss years on or after Jan. 1, 2001, the loss may be carried to each taxable year following the loss year, until the loss is fully recovered.

Effective upon signature of the governor (June 24, 2021).

(Amends R.S. 47:287.86(B))

Income Tax on Military Benefits (ACT 185)

New law exempts from state income tax payments made pursuant to a military survivor benefit plan authorized pursuant to federal law to the surviving spouse or other named beneficiary of the plan.

Present law defines "tax table income" for resident and nonresident individuals. For resident individuals, "tax table income" includes adjusted gross income plus interest on certain state or political subdivision obligations less items such as gratuitous grants, loans, or other disaster benefits included in federal adjusted gross income, federal income tax liability, amounts deposited into medical or educational savings accounts, and excess personal exemptions and deductions. "Tax table income" for nonresident individuals means La. income plus personal exemptions and deductions less items such as federal income tax liability, and excess federal itemized personal deductions.

New law adds to the list of income excluded from "tax table income" for both resident and nonresident individuals, the exemption for military survivor benefit plan payments pursuant to new law.

New law applies to tax periods beginning on or after Jan. 1, 2021.

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

(Amends R.S. 47:293; Adds R.S. 47:297.16)

Tax Incentives for Certain Adoptions and Donations to Foster Care Organizations (ACT 378)

New law establishes $5,000 income tax deduction for a taxpayer who adopts a child who is in foster care, a youth receiving extended foster care services, or certain infants who are less than one year of age, and establishes a nonrefundable income tax credit for donations a La. taxpayer makes during a taxable year to qualifying foster care charitable organizations.

New law provides for the establishment of an income tax deduction for a taxpayer who adopts a child who is in foster care or a youth receiving extended foster care.

New law provides for the establishment of an income tax deduction for a taxpayer who adopts an infant who is unrelated to the taxpayer and who is less than one year of age through a private agency or an attorney.

New law provides that the amount of these deductions shall equal $5,000 and shall be applicable in the year the adoption of the child becomes final.

New law prohibits the amount of the deduction from exceeding the total taxable income of the taxpayer claiming the deduction and provides that the deductions established in new law shall be in lieu of the dependency deduction authorized in present law.

New law requires taxpayers claiming these deductions to maintain all records necessary to verify the adoption and, if requested, to provide the records to the Dept. of Revenue when filing the taxpayer's tax return.

New law adds to the list of income not included in "tax table income" the deduction for adopting a foster child and the deduction for the private adoption of infants less than one year of age.

New law authorizes a nonrefundable income tax credit for donations a La. taxpayer makes during a taxable year to qualifying foster care charitable organizations, hereinafter "foster care organizations".

New law provides that the amount of the credit is equal to the amount of the donation used by the foster care organization to provide services to a qualified individual, or $50,000, whichever is less. The total amount of credits granted pursuant to new law shall not exceed $500,000 per calendar year.

New law requires the credits to be granted on a first-come, first-served basis. If the total amount of credits claimed in a calendar year exceeds the amount of tax credits authorized for that year, the excess shall be treated as having been claimed on the first day of the subsequent year.

New law authorizes a taxpayer to carry forward the amount of the tax credit not used as an offset against the taxpayer's subsequent tax liability for a period not to exceed five taxable years.

New law requires an organization that seeks to become a qualifying foster care charitable organization to apply to the Dept. of Revenue (DOR) and provide certain information.

New law requires a foster care organization to annually file a report with DOR.

New law defines "qualifying foster care charitable organization" or "foster care organization" as an organization that meets all of the following criteria:

(1) Is exempt from federal income tax pursuant to federal law.

(2) Provides services to at least 25 qualified individuals each operating year.

(3) Spends at least 75% of its total budget on providing services to qualified individuals or spends at least 75% of its funds budgeted for La. on providing services to qualified individuals and the organization certifies to DOR that 100% of the donations it receives from La. residents will be spent on providing services to qualified individuals.

(4) Is approved by DOR after applying as provided in new law.

New law defines a "qualified individual" as a child in a foster care placement program established by the Dept. of Children and Family Services.

New law defines "services" as cash assistance, medical care, child care, food, clothing, shelter, job placement, and job-training services or any other assistance reasonably necessary to meet immediate basic needs that are provided for a qualified individual and used in La.

New law requires a qualified foster care charitable organization to issue a receipt to each person from whom the foster care organization

receives a donation. New law requires the receipt to indicate the actual amount of the taxpayer's donation that was used by the foster care organization to provide services to qualified individuals. New law requires a taxpayer to provide a copy of the receipt to DOR when claiming the credit authorized by new law.

New law is applicable to adoptions finalized on or after Jan. 1, 2022, and to donations made by taxpayers to qualifying foster care charitable organizations on or after Jan. 1, 2022.

Effective Jan. 1, 2022.

(Adds R.S. 47:293, 297.16, 297.17, and 6042)

Income Tax Exemption for Digital Nomads (ACT 387)

New law provides for an individual income tax exemption on 50% of the gross wages of each taxpayer who qualifies as a digital nomad, not to exceed $150,000.

New law provides the exemption applies only to gross wages received from services performed as a digital nomad for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025.

New law provides that the exemption applies only to income that is earned from remote work.

New law provides "digital nomad" means an individual who:

(1) Establishes residency in Louisiana after December 31, 2021.

(2) Is considered a covered person with major medical health insurance.

(3) Works remotely full-time for a nonresident business as provided for by rule by the secretary of the Dept. of Revenue.

(4) Is required to file a Louisiana resident or part-year resident individual income tax return for the taxable year in which the exemption is claimed.

(5) Has not established residency or domicile in Louisiana for any of the prior three years immediately preceding the establishment of residency or domicile.

(6) Has not been required to file a Louisiana resident or part-year resident individual income tax return for any of the prior three years.

(7) Performs the majority of employment duties in this state either remotely or at a coworking space.

New law provides that "covered person" means a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health insurance issuer for major medical health insurance coverage.

New law provides that "major medical health insurance coverage" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, health and accident insurance policy, or any other contract of this type providing comprehensive major medical benefits, but does not include publicly funded programs, including federal governmental benefit plans, that are wholly or partially funded by this state.

New law requires a taxpayer claiming the digital nomad exemption to maintain all records necessary to verify meeting the requirements of new law.

New law requires the Dept. of Revenue to limit the number of taxpayers eligible for the digital nomad exemption to 500 individuals for the life of the program.

New law requires the Dept. of Revenue to provide an annual written evaluation of the individual income tax exemption for digital nomads and its effectiveness in inducing individuals to locate in Louisiana and present its findings to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means by January 1 of each year beginning in 2024.

New law provides for recovery of the exemption by the Dept. of Revenue through any collection

remedy authorized in present law if the exemption is disallowed.

New law provides for a sunset of the exemption for any wages earned by a digital nomad after December 31, 2025.

Effective upon signature of the governor (June 16, 2021).

(Adds R.S. 47:293(9)(a)(xx) and 297.16)

Income Tax Exemption for Covid Benefits (ACT 54)

New law provides for an individual and corporation income tax exemption for certain state and federal COVID-19 relief benefits.

New law defines "COVID-19 relief benefit" as any gratuitous grant, loan, rebate, tax credit, advance refund, or other qualified disaster relief benefit directly or indirectly provided to a taxpayer by the state or federal government, including but not limited to (1) the Coronavirus Aid, Relief, and Economic Security Act, (2) the Taxpayer Certainty and Disaster Relief Act, (3) the COVID-Related Tax Relief Act, (4) the Consolidated Appropriations Act of 2021, (5) the State Coronavirus Relief Program, (6) the Coronavirus Local Recovery Allocation Program, (7) the Louisiana Main Street Recovery Program, (8) the Critical Infrastructure Worker's Hazard Pay Rebate, and to any other existing or subsequent state or federal COVID-19 relief legislation.

New law excludes unemployment compensation benefits provided to a taxpayer from the individual income tax exemption.

New law is retroactive, applying to any gratuitous grant, loan, rebate, tax credit, advance refund, or other qualified disaster relief benefit directly or indirectly provided to a taxpayer as a COVID-19 relief benefit.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 47:293; adds R.S. 47:287.738(H) and 297.16)

Income Tax for Federal Income Tax Deductions (ACT 296)

Prior law increased an individual income taxpayer's tax liability by the amount by which the taxpayer's federal income tax was reduced by claiming disaster losses attributable to Hurricanes Laura and Delta as an itemized deduction on the federal return.

New law increases an individual income taxpayer's tax liability by the amount by which the taxpayer's federal income tax was reduced by using the increased federal standard deduction for disaster losses.

New law adds losses associated with Hurricanes Delta or Zeta to the losses to which prior law and new law apply.

New law applies prospectively and retroactively.

Effective upon signature of the governor (June 14, 2021).

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

Income Tax Exclusion for Military (ACT 161)

Present law provides for a tax to be assessed, levied, collected, and paid upon the taxable income of resident and nonresident individuals. For purposes of calculating the tax, the term "tax table income" for resident individuals is defined to mean adjusted gross income, less other specifically enumerated exemptions, deductions, and expenses.

Prior law provided for an exclusion of up to $30,000 from "tax table income" for compensation earned by an individual on active duty as a member of the armed forces of the U.S. for services performed outside this state. In order for the compensation to qualify for the exclusion, the services must be performed by the individual during continuous and uninterrupted full-time duty for 120 or more consecutive days.

New law increases the amount of the exclusion from $30,000 to $50,000, beginning January 1, 2022.

Effective upon the signature of the governor (June 11, 2021).

(Amends R.S. 47:293)

Income Tax Credit for Hiring Inmates (ACT 453)

New law authorizes an income tax credit for eligible businesses that hire participants in work release programs provided for in present law.

New law defines "eligible business" as any business that is subject to La. income tax and participates in any of the work release programs provided for in present law.

New law defines "eligible re-entrant" as an inmate eligible for participation in a work release program provided for in present law.

New law defines "eligible job" as: (1) a new job, (2) an existing job that has been vacant for at least one year, or (3) an existing job that is vacant because the person who previously filled the job left voluntarily or was terminated for cause.

New law provides the credit is earned upon certification that the re-entrant has been employed by the eligible business in an eligible job for 12 consecutive months. New law provides that the credit may be earned only once for each eligible re-entrant.

New law provides that the amount of the credit shall equal 5% of the total wages paid to the eligible re-entrant for employment in an eligible job during the specified time period.

New law provides the total amount of tax credits granted to an eligible business shall not exceed $2,500 per eligible re-entrant.

New law provides the credit shall be earned upon certification by the Dept. of Public Safety or the applicable sheriff to the Dept. of Revenue that the eligible business employed an eligible reentrant in an eligible job for 12 consecutive months following the re-entrant's release from imprisonment.

New law provides that the credit shall be allowed against any La. income or franchise tax due by the business for the taxable period in which the credit is earned.

New law authorizes businesses to carry forward any unused credit for a period not to exceed five years.

New law authorizes the secretary of the Dept. of Revenue to recover the credit under certain circumstances.

New law provides no credit shall be granted after June 30, 2027.

New law provides the La. work opportunity tax credit shall be applicable to eligible re-entrants with a release date on or after Jan. 1, 2021.

Present law provides for an earned income tax credit against individual income tax in an amount equal to 5% of the federal earned income tax credit for tax years beginning on and after Jan. 1, 2019. Present law provides that beginning Jan. 1, 2026, the amount of the earned income tax credit is 3.5% of the federal earned income tax credit. New law changes the date from Jan. 1, 2026 to Jan. 1, 2031.

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

(Amends R.S. 47:297.8; Adds R.S. 47:287.750)

START K12 Program (ACT 52)

Prior law provided for the La. Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve (START K12) Program, an education savings program for certain expenses associated with enrolling in grades kindergarten through 12.

New law excludes annual deposits to a START K12 Program from the account owner's state income tax. New law limits the exclusion to

$1,200 for single filers and $2,400 for joint filers per beneficiary. New law prohibits the exclusion from applying to deposits withdrawn within the same taxable year as the deposit.

Prior law authorized a tax deduction for costs associated with enrollment in an elementary or secondary school. New law prohibits an account owner from claiming both the tax exclusion for the START K12 Program and the tax deduction for costs associated with enrollment in an elementary and secondary school within the same taxable year.

Effective January 1, 2022.

(Amends R.S. 17:3100.5 and R.S. 47:297.11; adds R.S. 47:293(9)(a)(xx), 297.10(C), and 297.12(C))

Income Tax Credit for Stillbirth (ACT 467)

New law authorizes an income tax credit for an individual who delivers a stillborn child. The amount of the credit is equal to $2,000 and shall be claimed by the La. taxpayer in the year in which the stillbirth occurred.

New law defines a "stillborn child" as a child who meets all of the following:

(1) Suffers a spontaneous fetal death.

(2) Has reached no less than 20 complete weeks of gestation, calculated from the date the mother's last normal menstrual period began to the date of delivery, or weighs no less than 350 grams.

(3) Whose death requires the issuance of a spontaneous fetal death certificate in accordance with present law.

(4) Whose death was not the result of an induced termination of the pregnancy.

New law provides that if the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess credit amount shall constitute an overpayment and the secretary shall refund the overpayment from the tax collections imposed in present law.

New law is applicable to taxable years beginning on or after Jan 1, 2022.

Effective Jan. 1, 2022.

(Adds R.S. 47:297.15)

Income Tax Credit for Pregnancy-Related Death (ACT 470)

New law establishes an income tax credit not to exceed $5,000 for reasonable funeral and burial expenses associated with the pregnancy-related death of a person.

New law provides for the establishment of an income tax credit for reasonable funeral and burial expenses associated with the pregnancy-related death of a person. The estate of the deceased person is authorized to claim the credit but, if the estate does not claim the credit, it may be claimed by the individual who actually paid the funeral and burial expenses.

New law limits the amount of the credit to the actual reasonable funeral and burial expenses paid or $5,000, whichever is less.

New law requires that the party claiming the credit be a La. taxpayer and that the credit be claimed in the year the death occurred.

New law defines a "pregnancy-related death" as the death of a Louisiana resident while pregnant, during labor and delivery, or within one year after childbirth from a pregnancy complication, a chain of events initiated by the pregnancy, or the aggravation of an unrelated condition by the normal effects of the pregnancy.

New law defines "reasonable funeral and burial expenses" as costs and fees associated with transportation of the remains, embalming or cremation services, caskets, plots, grave markers, or headstones, funeral home facility and staff services, and other related professional services. The term shall not mean costs and fees associated with flowers, vaults, or urns.

New law provides that if the amount of the credit exceeds the taxpayer's tax liability for the taxable

year, the excess credit amount shall constitute an overpayment and the secretary shall refund the overpayment from the tax collections imposed in present law.

New law requires the taxpayer claiming the credit to maintain all records necessary to verify the amount of reasonable funeral and burial expenses paid and if requested, to provide the records to the Dept. of Revenue when filing the taxpayer's tax return.

New law is applicable to taxable years beginning on or after Jan. 1, 2022.

Effective on Jan. 1, 2022.

(Adds R.S. 47:297.16)

Sales Tax Exclusion for Certain Equipment Rentals (ACT 7)

New law establishes an exclusion from state and local sales and use tax for the lease or rental of any item of tangible personal property by a short-term equipment rental dealer for the purpose of re-lease or re-rental.

New law defines "short-term equipment rental dealer" as a person or entity whose principal business is the short-term rental of tangible personal property classified under code numbers 532412 and 532310 of the North American Industry Classification System, published by the U. S. Bureau of Census.

New law defines "short-term rental" as the rental of tangible personal property for a period of less than 365 days, for an undefined period, or under an open-ended agreement.

Effective Oct. 1, 2021.

(Amends R.S. 47:301, 302, 321, 321.1, and 331)

Sales Tax Exclusive for School Buses (ACT 166)

Prior law excluded from state and local sales and use tax purchases of new school buses or used school buses that are less than five years old that are purchased by an independent operator and used exclusively in public school systems.

New law modifies prior law exemption to apply to all purchases of new school buses or used school buses that are less than five years old that will be used exclusively for public elementary or secondary schools, public elementary or secondary laboratory schools that are operated by a public college or university, or nonpublic elementary or secondary schools approved by BESE.

New law provides that to qualify for this exemption a school bus must meet or exceed the safety specifications for school buses established by the state DOE, must be painted national school bus chrome in the shade designated by BESE, and must be purchased from a licensed new or used vehicle dealer.

Prior law suspended numerous exemptions and exclusion from the four levies of state sales and use tax through June 30, 2025, including the exclusion for purchases of new school buses or used school buses that are less than five years old.

New law adds the exclusion for purchases of new school buses or used school buses that are less than five years old to the list of state sales and use tax exemptions and exclusions that are effective through June 30, 2025.

Effective July 1, 2021.

(Amends R.S. 47:301; adds R.S. 47:302(BB)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115))

Sales Tax Exemption for Feminine Hygiene Products and Diapers (ACT 449)

New law establishes a state sales and use tax exemption for the purchase of feminine hygiene products, diapers, or both for personal use.

Present law authorizes a political subdivision, by ordinance or resolution, to exempt the sales of feminine hygiene products, diapers, or both from local sales and use tax.

Present law provides that the authorization to political subdivisions applies only to taxable periods through Dec. 31, 2021. New law repeals present law.

Applicable for taxable periods beginning on or after July 1, 2022.

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

(Amends R.S. 47:302, 305.75, 321, 321.1, and 331; Repeals R.S. 47:337.10.2(C))

Sales Tax Exemption for Certain Farm Utilities (ACT 53)

New law provides for a state sales tax exemption beginning October 1, 2021, for the sale of utilities used by commercial farmers for on-farm storage.

New law defines "utilities" as steam, water, electric power or energy, natural gas, or energy sources.

New law defines "commercial farmer" as persons who produce food or commodities for sale, file their farm income and expenses on a federal Schedule F or similar federal tax form, including 1065, 1120, and 1120S, filed by a person assigned a North American Industry Classification System (NAICS) Code beginning with 11.

New law defines "on-farm storage" as facilities or containers located in Louisiana that are separately metered for utilities and that contain raw agricultural commodities, including but not limited to feed, seed, and fertilizer, to be utilized in preparing, finishing, manufacturing, or producing crops or animals prior to the first point of sale.

Effective upon signature of the governor (June 4, 2021).

(Adds R.S. 47:302(BB)(114), 305.4, 321(P)(115), 321.1(I)(115), and 331(V)(115))

Allen Parish Capital Improvements Fund (ACT 273)

Prior law authorized use of the money in the fund exclusively in Allen Parish for: (1) first, for capital improvements to the parish courthouse, (2) then, for capital improvements to public property in Allen Parish, and (3) next, for operating expenses related to (1) and (2).

New law provides instead for use of the money in the fund for capital improvements in Allen Parish.

Prior law included expenditures for the renovation of the Allen Parish courthouse in the definition of "capital improvements". New law removes prior law.

Prior law provided that the director of the parish tourist commission was a member of the board. New law replaces the director of the tourist commission with the district attorney.

Effective upon signature of governor (June 15, 2021).

(Amends R.S. 47:302.36)

Sales Tax Exemption for Charitable Residential Construction Materials (ACT 299)

New law adds the sales and use tax exemption for the sale of construction materials for charitable residential construction by Habitat for Humanity affiliates, the Fuller Center for Housing, and the Make it Right Foundation to the exclusive list of currently effective sales tax exemptions, effective October 1, 2021.

New law exempts the sale of construction materials for animal shelters when the materials are intended for use in constructing new animal shelters and construction begins between July 1, 2021, and June 30, 2025. New law adds this exemption to the exclusive list of currently effective sales tax exemptions, effective October 1, 2021.

Effective July 1, 2021.

(Amends R.S. 47:305.59; adds R.S. 47:302(BB)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115))

St. Landry Parish Room Rentals Tax (ACT 284)

Prior law allocated the avails of the 2% levy of state sales tax on room rentals in St. Landry Parish exclusively to renovation, repair, reconstruction, maintenance, or bond repayment for: (1) preservation of the Old City Hall - City Market in Opelousas, (2) operations of the Delta Grand Theatre in Opelousas, and (3) any other tourism related activities in St. Landry Parish.

New law adds the operations, upgrades, and maintenance of City of Opelousas Parks and Recreation, and improvement, preservation, and operation of the Liberty Theatre in Eunice to the list of authorized uses for the avails of this tax.

Effective upon signature of the governor (June 14, 2021).

(Amends R.S. 47:332.20(B))

Oil Severance Tax Exemption for Certain Wells (ACT 391)

Prior law established a severance tax on oil at a rate of 12.5% of its value at the time and place of severance. The value is the higher of: (1) gross receipts received from the first purchaser, less charges for trucking, barging and pipeline fees, or (2) the posted field price.

Prior law provided for reduced rates of oil severance tax for inactive wells at the rates of 6% for wells that have been inactive for 24 or more months and 3% for wells that have been inactive for 60 months or more.

New law provides that beginning Oct. 1, 2020, oil produced from any well that has been certified as an orphaned well, has been orphaned for 12 months or more, and that is undergoing or has undergone well enhancements that required a Dept. of Natural Resources permit such as a re-entry, workover, or plug back, shall be exempt from severance tax, when production begins on or after Oct. 1, 2020, and before June 30, 2031.

New law defines "orphan well" as an oil well that is designated as part of an orphaned oilfield site and that has had no reported production for a period of greater than twelve months immediately prior to the production of oil to which new law applies.

New law requires an operator to submit an application for the exemption to the Dept. of Natural Resources and provides that the exemption does not begin until the well is certified.

New law provides that the operator of the orphan well retain the amount equal to the severance tax for the initial three months of the exemption, and beginning the fourth month, remit an amount equal to the tax into the site-specific trust fund.

New law requires, beginning the fourth month of the exemption, that the operator report and remit an amount equal to the severance tax that would otherwise be due on the well to the Dept. of Revenue, which shall be credited to the associated site-specific trust account provided for in new law.

New law establishes site-specific trust accounts to separately account for each such site for the purpose of providing a source of funds for site restoration of that oilfield site.

New law requires the Dept. of Natural Resources to monitor each trust account to assure that it is funded, and authorizes the secretary to require security if an account is not funded, through the payment of amounts equal to the severance tax that would otherwise be due the state for a period of greater than six months.

New law provides that the site-specific trust fund will remain associated with the site if the site is transferred after the formation of a site-specific trust account.

New law provides that after site restoration has been completed and approved, if the only source of funds used in the site restoration was the site-

specific trust account, that any funds remaining in the account will be transferred to the operator.

New law provides that after site restoration has been completed and approved, if the site restoration was completed using funds from the Oilfield Site Restoration Fund and the site-specific trust account, that any funds remaining in the account will be transferred to the Oilfield Site Restoration Fund.

New law requires a site-specific trust fund to be closed after the site restoration is completed and monies from the account are disbursed.

Effective upon signature of governor (June 16, 2021).

(Adds R.S. 30:88.2 and R.S. 47:633(7)(c)(iv)(cc))

Sales Tax Exemptions for Prescription Drugs (ACT 286)

Present constitution provides for a mandatory exemption for prescription drugs from state sales and use tax.

Prior law provided a mandatory exemption from state and local sales and use tax for certain chemotherapy prescription drugs, and authorizes an optional exemption for other prescription drugs from local sales and use tax if a local taxing authority adopts the exemption by ordinance or resolution.

New law creates a mandatory local sales and use tax exemption for certain infused prescription drugs that are administered by a medical professional in a physician's office where patients are not regularly kept as bed patients for 24 hours or more.

New law provides that the exemption applies only to drugs prescribed for certain specified diseases and conditions.

Effective July 1, 2021.

(Amends R.S. 47:337.10; adds R.S. 47:305.75 and 337.9(C)(27))

"Protect Wild Dolphins" License Plate (ACT 244)

Existing law establishes a "Protect Wild Dolphins" special prestige license plate.

Prior law required the secretary of the Dept. of Public Safety and Corrections to design the plate in consultation with EarthEcho International, Inc. New law changes the entity to be consulted in the design of the plate from EarthEcho International, Inc., to Protect Wild Dolphins Alliance, Inc.

Prior law required the Department to forward the annual royalty fee collected from such plates to EarthEcho International, Inc., for use of the group's logo. New law changes the entity receiving the annual royalty fee from EarthEcho International, Inc. to Protect Wild Dolphins Alliance, Inc., and removes language for the fee to be forwarded for use of the group's logo.

Existing law authorizes 25% of the funds to be used for promotion and marketing of the plate and cause. Prior law required that the royalty fees also be used to support scientific research, conservation, and educational programs that serve to restore and protect the ocean environment and freshwater systems and to protect wild dolphins by EarthEcho International, Inc. New law removes the requirement that the royalty fees be used to support the efforts provided by EarthEcho International, Inc.

Prior law provided the purpose of the license plate was to recognize and support contributions to environmental protection by EarthEcho International, Inc. New law removes prior law.

Effective June 14, 2021.

(Amends R.S. 47:463.139)

Special License Plates (ACT 323)

New law requires the Dept. of Public Safety and Corrections to issue special prestige license plates to be known as the "West Feliciana Parish Schools", the "En français S.V.P", and the "United States Military Academy, West Point"

license plates, provided there are a minimum of 1,000 applicants for such plates.

New law requires the department to collect an annual royalty fee of $25 in addition to the standard motor vehicle license tax and a $3.50 handling fee to offset a portion of administrative costs.

New law requires monies received from the royalty fees for the "West Feliciana Parish Schools" be forwarded to the West Feliciana Parish Public School System.

New law requires monies received from the royalty fees for the "En français S.V.P" be disbursed solely to fund programming at the Saint LUC French Immersion and Cultural Campus.

New law requires monies received from the royalty fees for the "United States Military Academy, West Point" be disbursed solely to fund programming of the United States Academy, West Point.

Effective August 1, 2021.

(Adds R.S. 47:463.210 and 463.211)

New Orleans Pelicans License Plate (ACT 118)

New law creates the "New Orleans Pelicans" special prestige license plate.

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "New Orleans Pelicans" license plate, provided there is a minimum of 1,000 applicants for such plate.

New law requires the secretary to work in conjunction with the vice president of governmental relations and business operations for the New Orleans Saints and New Orleans Pelicans to select the color and design of the plate, provided the design is in compliance with present law.

New law specifies that the license plate be issued, upon application, to any citizen of La. in the same manner as any other motor vehicle license plate.

New law requires the department to collect an annual royalty fee of $25 in addition to the standard motor vehicle license tax and a $3.50 handling fee for each plate to be retained by the department to offset a portion of administrative costs.

New law requires monies received from the royalty fees to be forwarded to the Louisiana Wildlife and Fisheries Conservation Fund and the Louisiana Early Childhood Education Fund in equal disbursements.

New law directs the office of motor vehicles to create the "New Orleans Pelicans" specialty license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

(Adds R.S. 47:463.210)

Military Honor License Plates (ACT 41)

Present law requires the secretary of the Dept. of Public Safety and Corrections to establish military honor license plates for passenger cars, pickup trucks, vans, motorcycles, recreational vehicles, and motor homes that may be issued to any active member of the La. National Guard upon such member's application.

New law adds eligibility for members who have been honorably discharged from the La. National Guard.

Prior law required a member with fewer than 20 years of service to surrender military honor plates to the secretary upon termination of status as a member of the La. National Guard. New law repeals prior law.

Prior law authorized a member with 20 years or more of service in good standing to continue to have the option to renew the military honor plates annually.

New law authorizes any member in good standing to continue to have the option to renew the military honor plates annually.

Effective August 1, 2021.

(Amends R.S. 47:490.3)

Corporate Franchise Taxes (ACT 389)

Prior law suspended the corporation franchise tax on the first $300,000 of taxable capital for small business corporations.

Prior law defined "small business corporation" as an entity that is subject to the corporation franchise tax and that has taxable capital of $1,000,000 or less.

Prior law applied only to taxable periods beginning between July 1, 2020, and June 30, 2021.

New law extends the suspension of the corporation franchise tax on the first $300,000 of taxable capital for small business corporations for all franchise taxable periods beginning before July 1, 2023.

Above provisions effective upon signature of the governor or lapse of time for gubernatorial action.

Prior law provided that the franchise tax is levied at the following rates:

(1) $1.50 per $1,000 of taxable capital, up to $300,000.

(2) $3.00 per $1,000 of taxable capital above $300,000.

New law eliminates the first bracket of the corporation franchise tax and provides that no tax will be due on the first $300,000 of taxable capital for all taxpayers beginning Jan. 1, 2023.

New law reduces the corporation franchise tax rate from $3 per $1,000 on taxable capital above $300,000 to 2.75% beginning Jan. 1, 2023.

New law provides for an automatic corporation franchise tax rate reduction in any year that corporation income and franchise tax collections exceed the fiscal year 2018-19 corporation income and franchise tax collections, adjusted annually by the growth factor in Article VII, Section 10(C) of the Constitution of Louisiana, if both:

(1) Overall state tax, license, and fee revenue has grown for the same period.

(2) The Rainy Day Fund is funded at a minimum of 62.5% of its maximum.

New law provides for the new tax rates under the automatic rate reduction trigger to be calculated by multiplying the current tax rate by the difference between one and the percentage change in corporation income and franchise tax collections in excess of the corporation income and franchise tax collections, compounded annually by the growth rate, for the 2018-19 fiscal year.

Except for above, remaining provisions effective if and when the proposed amendment of Article VII, Section 4(A) of the Constitution of Louisiana contained in the Act which originated as SB 159 or HB 274 of the 2021 R.S. is adopted at the statewide election to be held on October 9, 2021, and becomes effective, and HB 278 and HB 292 are enacted and become law.

(Amends R.S. 47:601, 601.1)

HOV Lanes (ACT 357)

New law authorizes the secretary of the Dept. of Transportation and Development (DOTD), or his designee, to exercise police powers of the state necessary to maintain the peace and accomplish the orderly handling of the authority to establish high occupancy vehicle (HOV) lanes, subject to the provisions of new law.

New law provides the regulations for a frequent violator failure to respond to high occupancy vehicle violation when the office of motor vehicles receives notice from the DOTD to not renew or reissue driver's license or vehicle registration pursuant to R.S. 47:820.5.9(J)(2). New law requires the office of motor vehicles to issue a notice at the address listed on the violator's driver's license unless a more current address is on file. New law requires the violator to pay a $100 reinstatement fee.

New law requires any travel lane designated as an HOV lane to be for the exclusive use of qualified HOVs.

New law authorizes the DOTD to establish permitting requirements for motor vehicles on one or more designated HOV lanes, including registration of the HOV with the department, prior to using an HOV lane. New law requires that a motor vehicle that has not fulfilled applicable permitting requirements established by the DOTD to not be considered a qualified HOV.

New law requires that the vehicle's registered owner be liable to make payment to the department of the proper penalty and, except as provided in new law, a $25 administrative fee, where a record generated by an HOV monitoring system shows the HOV violation.

New law establishes an HOV violation fine of not more than $100. New law authorizes the department to establish increasing penalties for multiple HOV violations, not to exceed $100 penalty for a single HOV violation.

New law provides a presumption that the ownership status of the motor vehicle is prima facie evidence of liability. However, there is a rebuttable presumption by providing proof the vehicle was sold, or otherwise transferred prior to the HOV violation.

New law requires that the department, for the purpose of educating the public and promoting proper use of HOV lanes, promulgate rules and regulations governing the issuance of warning letters in lieu of HOV violation notices to drivers who are not frequent violators.

New law requires that warning letters not result in the assessment of penalties or fees against the registered owner.

New law provides in detail for the procedures be taken for the collection of penalties, administrative fees, and late charges assessed pursuant to this Section and for appeals therefrom.

New law authorizes the department to impose charges and sanctions as follows:

(1) A registered owner who fails to submit payment or otherwise respond to an HOV violation notice as provided in new law within 30 calendar days after the date of the issuance of the HOV violation notice may incur a $5 late charge to cover additional costs of collecting the penalty.

(2) If the registered owner fails to submit payment or otherwise respond to an HOV violation notice as provided in new law within 60 calendar days after the date of issuance, the department may pursue civil action against the registered owner, as it deems appropriate, to collect penalties and administrative fees assessed in the notice. New law requires the violation clerk to notify the registered owner by first-class mail of the delinquency and consequences.

(3) In addition to the above procedures, the department will promulgate rules and regulations for the identification of motor vehicles that frequently engage in HOV violations and for providing notice to registered owners of motor vehicles meeting such criteria. New law requires a frequent violator who fails to submit payment or respond to a notice within 60 days of the notice to be prohibited from any renewal or reissuance of his or her driver's license and vehicle registration until all HOV violations are disposed of pursuant to new law.

New law requires a registered owner's appeal of his classification as a frequent violator to be conducted in the same manner as an appeal of an HOV violation, and in accordance with the provisions of the Administrative Procedure Act as it relates to notice of the hearing decision, any request for rehearing, and any petition for judicial review.

New law requires the violation clerk to notify the OMV of the violation record, place the matter on record, and block the renewal or reissuance, including any duplicated, of the violator's driver's license and vehicle registration pursuant to new law.

New law requires a video recording, photograph, or other electronic data produced by an HOV monitoring system to be admissible in a proceeding to collect a penalty, administrative fee, or other charge of the department for an HOV violation.

New law provides that an original or facsimile of a certificate, sworn to or affirmed by an agent of the department, specifying an HOV violation has occurred that is based upon a personal inspection of a video recording, photograph, or other electronic data produced by an HOV monitoring system is prima facie evidence of the facts contained in the certificate.

New law provides that, any other provision of present law to the contrary, a video recording, photograph, or other electronic data prepared for enforcement of HOV lane requirements is for the exclusive use of the department and the office of motor vehicles in the discharge of their duties under new law.

New law requires the department from time to time to designate one or more violation clerks and agents to perform functions specified in new law at the discretion of the department and for a time deemed necessary.

New law requires the department to supervise and coordinate the processing of HOV violation notices in accordance with new law.

New law authorizes the department to hire or designate personnel and organize sections or contract for such services to carry out the provisions in new law.

New law requires hearing agents and violation clerks to have the authority to waive late fees.

New law is intended to supplement the laws governing motor vehicles and traffic regulation appearing in present law (Title 32), and is not to be construed as precluding any police officer from enforcement within a designated HOV lane.

New law provides that a defense from enforcement by the department for a registered owner of a motor vehicle is a previously issued citation from law enforcement for the same conduct that resulted in an HOV violation.

Effective upon signature of the governor.

(Adds R.S. 47:820.5.9)

Ad Valorem Tax Assessments and Appeals (ACT 343)

Present law provides for the establishment of the Board of Tax Appeals to hear and decide disputes between taxpayers and any state or local tax collector. Present law provides for the membership, qualifications, and appointments to the board.

New law expands the qualifications of a nominee for a board position to include a person who has La. tax law experience rather than a person with La. sales tax law experience.

New law increases the membership of the Local Tax Division Nominating Committee from 8 to 10 members, and expands the qualifications for members of the nominating committee to include a certified La. assessor.

Present law provides for the jurisdiction of the board, which includes petitions for declaratory judgment or actions related to the constitutionality of a law or ordinance or the validity of a regulation concerning a state or local tax or fee.

New law adds that the board's jurisdiction over petitions for declaratory judgement or other actions extends to matters related to state or local taxes or fees, concerning taxing districts and related proceeds, or relating to contracts related to tax matters.

Present law defines a "local collector" as an individual or entity responsible for collecting occupational license or occupancy taxes, or local taxes or fees, except those tax matters within the jurisdiction of the La. Tax Commission.

New law adds ad valorem taxes to the taxes a local collector may collect and removes the exclusion for tax matters within the jurisdiction

of the commission. New law defines a local collector to include an assessor or the commission if it is a party to a proceeding related to appeals for the redetermination of an assessment or the determination of an overpayment and any other political subdivision of the state or other local taxing district.

Present law authorizes a taxpayer to appeal to the board for a redetermination of an assessment or a determination of an overpayment when a taxpayer is aggrieved by an assessment made by a state collector or by a state collector's action or failure to act on a claim for refund or credit of an overpayment. Present law establishes a procedure for a taxpayer to file a petition for payment of taxes under protest.

New law adds that a taxpayer must comply with the present law procedure related to suits for payment of taxes under protest.

New law sets forth a procedure for a relevant party who is aggrieved by an action of a local collector, assessor, or the commission, if the action is appealable to the board. New law authorizes an intervention by and joinder of the relevant assessor as permitted or required by present law. New law excludes actions concerning local tax sales, the nullification of tax sales, or the contesting of the seizure of movables for collection from this procedure.

Present law requires the taxpayer and the collector to get notice and an opportunity to be heard in each proceeding for the redetermination of an assessment, the consideration of a payment under protest petition, or for the determination of an overpayment.

New law adds a requirement that other parties to proceedings be afforded notice and an opportunity to be heard.

Prior law prohibited an aggrieved party from petitioning the board to declare a law unconstitutional on the basis of its failure to meet the constitutional requirements for the passage of laws by the legislature. New law repeals prior law.

New law requires rules promulgated by the commission to be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs and authorizes the commission to use emergency rulemaking procedures when necessary for the effective administration of ad valorem taxes.

Present law provides for the determination of the appellate court that has jurisdiction over decisions or judgments of the board, including the court of appeal for the parish where the tax is being litigated, the court the parties stipulate to have jurisdiction, or the court of appeal for the parish of the appellee for a case appealed by a collector.

New law adds that if none of the options for review in present law are applicable, the judgment may be reviewed by the court of appeal designated by the board that has the most connection to the matter or, if none, the court of appeal for East Baton Rouge Parish.

Present law requires the board to select a fiscal agent for its escrow account used to distribute funds pursuant to certified copies of an order. Present law requires the account to be subject to audit by the legislative auditor and for an annual report of account transactions concerning state cases to be submitted to the Cash Management Review Board and an annual report of the account transactions concerning local tax cases to be submitted to the La. Uniform Local Sales Tax Board.

New law changes the entity to which the annual report for state tax cases must be submitted from the Cash Management Review Board to the secretary of the Dept. of Revenue and specifies that the annual report regarding local tax cases applies to local sales tax cases.

New law requires an annual report of the account's transactions concerning local ad valorem tax cases to be submitted to the written designee for the La. Sheriff's Association and the written designee for the La. Assessor's Association.

Present law requires the commission to assess public service properties for purposes of ad valorem taxes. Present law requires the commission to give notice of the initial determination of the assessed valuation in writing to a company; the initial determination becomes final if no protest is filed with the commission within 30 days after receipt by the company of the notice of the initial determination. Present law provides for a procedure for a company to protest an initial valuation and a procedure for the company to appeal decisions of the commission.

New law also authorizes parties to appeal to the Board of Tax Appeals in suits contesting the valuation or assessment of public service properties when the suit affects assessments of property in more than one parish. New law clarifies that references to "reviewing court" in new law include the board.

Present law authorizes the commission to correct or change the assessment of any company in order to make the assessment conform to facts. A company may institute a suit to contest the correctness or legality of any corrections and changes of its assessed valuation by the commission.

New law adds that these suits shall be subject to provisions of present law related to appeals of the final determination of the assessed value of property by the commission.

New law requires a review of the correctness of an assessment by an assessor to be confined to review of evidence presented to the assessor prior to the close of the deadline for filing a complaint with the board of review. If a taxpayer makes application to present additional evidence before the date set for hearing on the appeal and the commission finds that the additional evidence is material and there were reasons for failure to timely present the evidence to the assessor, the commission may order the assessor to take the additional evidence.

New law authorizes an assessor to modify the assessment because of the additional evidence and to notify the commission of modifications within 15 calendar days of receipt of the additional evidence.

New law provides that good reason for failure to timely present information to the assessor is presumed to exist for reports and related attachments of any appraiser or other expert ordered prior to the deadline for filing a complaint with the board of review if the report and attachments are submitted to the assessor within 30 days of receipt of the reports and attachments by the taxpayer and at least 25 days prior to a hearing before the commission.

New law provides that good reason for failure to timely present documents or evidence is always presumed to exist when the otherwise admissible document or evidence (i) is not available to the taxpayer at the time of the deadline for submission to the assessor but is provided to the assessor within 15 days of availability or (ii) consists of documents or records of income or expenses concerning the valuation of oil and gas property when the taxpayer has timely provided all information required by rule and the documents or records are supplemental to the submission.

New law exempts documents or records of income or expenses concerning the valuation of oil and gas property from the presumption of good reason for failing to timely present documents or evidence if the documents were available to the taxpayer but not timely provided in response to the assessor's request.

New law authorizes witnesses to be used to authenticate or explain documents which are otherwise admissible and provides for the use of publicly accessible data, guides, and resources.

New law provides that a decision of the commission to deny a taxpayer's application to present additional evidence shall, at the option of the taxpayer, be considered a final determination for purposes of appeal or be subject to immediate review by application for supervisory writ to the court of appeal.

New law provides that, except as ordered by a court of appeal, no stay of the proceedings before

the La. Tax Commission may be issued pursuant to an action to deny a taxpayer's application to present additional evidence.

New law in appeals of the correctness of assessments, authorizes the commission to independently appraise property and to enter that appraisal into evidence for consideration on review of the correctness of the assessment.

New law sets forth the actions the commission or a district court may take when reviewing the correctness of an assessment by an assessor and provides for specific reasons that may warrant the commission or the district court to reverse or modify the assessor's assessment.

Present law authorizes a property owner to make a written request for notice of the current year's assessment of his property no sooner than the first day of June of that year. New law requires the request to be received by the assessor of the parish or district in which the property is located no later than June 15th of that same year.

New law also authorizes a property owner to provide an email address to the assessor. If an email address is provided, the assessor shall email written notice of the assessed value of the related property on the first day for the inspection of the assessment lists.

New law provides that if an assessor receives additional information from a taxpayer after the assessment lists have been certified to the board of review, but before the filing of a complaint with the board of review, the assessor may modify the assessment to make a reduction based on the additional evidence. Reductions in assessments shall be communicated to the taxpayer and the board of review no less than 24 hours prior to the board of review's public hearing.

Present law authorizes a taxpayer who is dissatisfied with the final determination of the commission concerning the correctness of an assessment to file a suit within 30 days of the entry of a final decision of the commission in the district court for the parish where the commission is domiciled or the district court of the parish where the property is located.

Present law establishes a procedure for claims against a political subdivision for ad valorem taxes erroneously paid to the political subdivision which, includes presenting the claim to the commission within three years of the date of the payment. Present law provides a procedure for a taxpayer who prevails in a claim to present a claim to the commission to receive a refund of the payments. Present law authorizes an appeal to the district court if an assessor or the commission refuses to approve a claim for a refund. New law retains present law but authorizes a taxpayer to also appeal to the board.

Present law establishes a procedure for a taxpayer to challenge the correctness of an assessment or a legality challenge by timely paying the disputed amount under protest to the tax collector. Present law provides for the proper party defendants who must be included in these suits.

New law adds the proper party defendants who must be included in a correctness challenge related to appeals of actions by a board of review related to the inspection of assessment lists and notification and review of assessments and appeals of final determinations by the commission.

New law provides that a legality challenge may be brought by a petition for recovery of a tax paid under protest before the board, which shall provide a legal remedy and right of action for a full and complete adjudication of all questions arising in connection with the tax.

Present law authorizes a taxpayer, in cases of an additional assessment, to pay the additional assessment under protest, without having to file an additional suit, if the taxpayer shows that the principle of law involved in an additional assessment is already pending before the court for judicial determination and if the taxpayer agrees to abide by the pending court's decision.

New law adds that the assessment under protest may also be under consideration by the board.

Present law requires forms filed by a taxpayer to be considered confidential and limits use solely for purposes of administering the provisions of present law and for verifying eligibility for tax credits. Present law exempts these forms from the provisions of present law concerning public records; however, the forms are admissible in evidence and subject to discovery in judicial or administrative proceedings.

New law adds that the admissibility of the forms into evidence shall be subject to present law protections related to use of confidential information provided by court order. New law provides that forms shall include all information provided by a taxpayer to an assessor.

New law provides that the provisions of proposed law amending R.S. 47:1989 shall be prospective only and shall not be applicable to any case pending before the La. Tax Commission or in any court on Jan. 1, 2022. The remaining provisions of new law are procedural, but the provisions of new law amending R.S. 47:1998 shall not be applicable to any case pending in any court on Jan. 1, 2022.

Effective Jan. 1, 2022.

(Amends R.S. 47:1402, 1403, 1407, 1418, 1431, 1432, 1436, 1437, 1439, 1856, 1857, 1989, 1998, 2132, 2134, and 2327; Adds R.S. 47:1837(G)(3), 1992(A)(3) and (B)(3))

Ad Valorem Property Tax Rates (ACT 390)

Prior law established the mechanism by which ad valorem property tax millage rates are automatically adjusted in response to changes in the tax base resulting from reassessment or a change in the homestead exemption. Both the millage rate imposed in the year before the change in the base, as well as the maximum authorized millage rate, are adjusted so that the same amount of taxes is collected in the year after reappraisal as was collected in the prior year.

Prior law authorized an increase in a millage rate up to the prior year's maximum authorized rate by 2/3 vote of its governing body without voter approval. The maximum authorized rate is adjusted every four years due to statewide reassessment and may also be adjusted due to a change in the homestead exemption.

New law allows, beginning in the 2023 ad valorem tax year, a taxing authority to increase its millage rate up to the maximum authorized millage rate authorized by the constitution and approved by the taxing authority until the authorized millage rate expires, rather than the prior law's maximum authorized rate in effect the prior year.

New law prohibits a taxing authority from increasing the millage rates in excess of its adjusted millage rates established for the 2021 ad valorem tax year and 2020 ad valorem tax year in Orleans Parish.

New law requires that if an immediate subsequent reassessment has an increased taxable value, the adjusted maximum millage rate shall be decreased to the maximum millage rate for the 2020 reassessment year, or the 2019 reassessment year for Orleans Parish provided by the constitution and approved by the taxing authority.

Effective if and when the proposed amendment of Article 7, Section 23(C) of the Constitution of Louisiana contained in the Act which originated as SB 154 of the 2021 R.S. is adopted at the statewide election to be held on November 8, 2022, and becomes effective.

(Amends R.S. 47:1705)

Assessment of Public Service, Insurer, and Financial Institution Properties (ACT 62)

Old law authorized the La. Tax Commission to impose fees for the assessment of public service, insurance company, and financial institution properties for the period beginning July 1, 2018, and ending June 30, 2022.

New law extends the authority for imposition of the fee from July 1, 2018, through June 30, 2022, to July 1, 2021, through June 30, 2026.

Effective July 1, 2021.

(Amends R.S. 47:1838)

Evangeline Parish Tax Assessor (ACT 2)

New law requires the tax assessor of Evangeline Parish to pay the cost of certain insurance premiums for eligible retirees of the assessor's office.

(Amends R.S. 47:1923)

St. James Parish Assessor (ACT 254)

New law requires the St. James Parish assessor to pay the cost of certain group insurance premiums for retirees of the assessor's office who meet certain eligibility criteria.

New law adds St. James Parish to the list of parishes in which the assessor is required to pay certain insurance premium costs for eligible retirees.

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

(Amends R.S. 47:1923)

Assessor's Car Allowance (ACT 303)

New law provides that all assessors in the state may receive an automobile expense allowance not to exceed 15% of annual salary, provided the assessor maintains $300,000 of automobile insurance per accident for bodily injury and $100,000 of automobile insurance per accident for property damage.

New law provides that the expense allowance will come from existing funds in the assessor's office and at no additional expense to the state or local governing authority.

New law provides that any assessor receiving the car allowance provided for by new law will submit an affidavit to the legislative auditor on or before January 31st of each year verifying that the assessor did not use an office automobile during the preceding year.

New law provides that the first time the assessor uses the automobile expense allowance pursuant to new law, the assessor shall advertise in the local official journal the choice to receive the expense allowance.

Effective upon signature of the governor (June 15, 2021).

(Adds R.S. 47:1925.13)

Income Tax Credits for Sound Recording Investments (ACT 401)

New law changes the sound recording investor tax credit into a refundable tax credit.

Present law prohibits sound recording investor tax credits associated with a state-certified production from exceeding the total base investment in that production or sound recording infrastructure project.

New law extends this limitation to tax credits earned by qualified music companies and removes references to sound recording infrastructure projects.

Present law requires applicants for sound recording investor tax credits to submit applications for initial certification to the Dept. of Economic Development (DED). Present law requires DED to directly engage and assign a certified public accountant to prepare an expenditure verification report on a sound recording production company's cost report of production expenditures. The applicant shall be responsible for payment of the expenditure verification report fee and shall make all records related to the tax credit application available to the department and the accountant.

Present law requires tax credit applicants to submit a deposit in an amount equal to 50% of the expenditure verification report fee at the time of applying for the credit.

New law changes the amount of the deposit required when applying for tax credits from 50% of the expenditure verification report fee to up to 50% of the expenditure verification report fee.

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

(Amends 47:6023)

Tax Credit for Employing Certain Youth (ACT 454)

New law establishes a tax credit for employers who employ one or more "eligible youth".

New law defines "eligible youth" as a person who meets all of the following criteria:

(1) Is between the ages of 16 and 24.

(2) Is unemployed prior to being hired by a business applying for the credit.

(3) Will be working in a full-time or part-time position that pays wages equivalent to wages paid for similar jobs. New law defines "full-time position" as one in which a person works at least 32 hours per week; defines "part-time position" as one in which a person works at least 20 hours per week but less than 32 hours per week.

(4) Meets at least one of certain other criteria that include, but are not limited to: is homeless, is a veteran, is a member of a family that is receiving benefits through the Supplemental Nutrition Assistance Program, or is currently or was in foster care.

Within 60 days of being hired, new law requires an eligible youth to provide to the hiring business proof of age and of meeting eligibility criteria.

New law requires the hiring business to submit or maintain proof that each eligible youth meets eligibility criteria, as required by the secretary of the Dept. of Revenue (DOR).

New law provides that the credit applies for taxable years beginning after July 1, 2021, and that any credit provided shall be non-refundable.

New law requires the credit to be taken against La. income tax or corporate franchise tax.

New law provides that a credit is earned for each eligible youth who works at least three consecutive months in a full-time or part-time position at the business.

New law provides that the credit shall equal $1,250 for each qualifying eligible youth in a full-time position and $750 for each qualifying eligible youth in a part-time position.

New law caps the maximum amount of tax credits that may be granted in a given year at $5 million.

New law provides that if the tax credit earned for the taxable period exceeds the amount of taxes due, then the taxpayer may carry forward as a credit the unused portion for up to five years.

New law requires all entities taxed as corporations to claim the credit on their corporation income and franchise tax return. Individuals, estates, and trusts are required to claim the credit on their income tax returns. New law outlines requirements for claiming the credit by business entities that are not taxed as corporations.

New law provides that if a credit is later disallowed, DOR may recover the disallowed credit through any collection remedy authorized in present law relative to nonrefundable tax credits.

New law prohibits a taxpayer from receiving any other incentive for the job creation or hiring of an eligible youth for which the taxpayer has received a credit pursuant to new law.

New law provides that no credit shall be earned after Dec. 31, 2025.

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

(Adds R.S. 47:6028)

Tax Credit for Purchase of Certain Fuel-Related Property (ACT 385)

Prior law provided a tax credit for purchases of qualified clean-burning motor vehicle fuel property with a sunset date of January 1, 2022.

New law removes the tax credit for motor vehicles propelled by alternative fuel and retains the tax credit for the cost of property that is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel.

New law provides that no credit shall be earned for the purchase or installation of qualified clean-burning motor vehicle fuel property on or after January 1, 2022.

Effective July 1, 2021.

(Amends R.S. 47:6035)

Ports of Louisiana Tax Credits (ACT 81)

Present law provides for Ports of Louisiana tax credits, including an investor tax credit and an import-export cargo tax credit, to encourage private investment in and the use of state port facilities in Louisiana.

Prior law provided for the sunset of the investor tax credit and the import-export cargo tax credit on July 1, 2021.

New law extends the sunset of the investor tax credit and the import-export cargo tax credit from July 1, 2021, to July 1, 2025.

Effective upon signature of the governor (June 4, 2021).

(Amends R.S. 47:6036)

Port Credits (ACT 292)

New law prohibits recipients of port credits from being eligible for import-export cargo tax credits or any other state tax credit, exemption, exclusion, deduction, rebate, or any other tax benefit for which the taxpayer has received a port credit.

New law prohibits recipients of the import-export cargo tax credits from being eligible for port credits.

New law requires DED to provide to the Dept. of Revenue (DOR) the name and tax identification number of the applicant who is approved for port credits, the total amount of credits approved for the applicant, and any other information required by DOR.

New law authorizes DOR to use any collection remedy authorized in prior law to recover credits previously granted to a taxpayer, but later disallowed.

Effective upon signature of the governor (June 14, 2021).

(Adds R.S. 47:6036.1)

TITLE 48: ROADS, BRIDGES AND FERRIES

Highway, Road, and Bridge Construction Funding (ACT 486)

Prior law provided that beginning in Fiscal Year 2017-2018 and each fiscal year thereafter, from the avails of certain sales and use taxes and inventory tax, the treasurer shall deposit an amount equal to the increase in general fund revenues certified by the Revenue Estimating Conference as being attributable to the provisions of the Act that originated as SB 122 of the 2015 R.S., but not in excess of $100 million each fiscal year.

Prior law provided that the first $70 million of the monies shall be deposited into the Transportation Trust Fund to be used exclusively for state highway pavement and bridge sustainability projects. Thereafter, 93% of the monies shall be deposited into the Transportation Trust Fund to be allocated as follows: not less than 30% for highway priority program projects classified as capacity projects; 25% for port construction and development priority program projects; and the

remaining monies for state highway pavement and bridge sustainability projects.

Prior law provided that the remaining 7% shall be deposited into the La. State Transportation Infrastructure Fund as provided in the Act which originated as HB 767 of the 2015 R.S. for final design and construction and shall not be used for studies.

Prior law specified that none of the monies deposited into the Transportation Trust Fund pursuant to present law shall be appropriated to the office of state police.

New law repeals prior law and provides that beginning FY 2023-2024 30% of the avails of the taxes from the sale, use, or lease of motor vehicles taxable pursuant to present law shall be deposited into the Construction Subfund of the Transportation Trust Fund.

New law provides that for FY 2024-2025 and each fiscal year thereafter, 60% of the avails of the taxes from the sale, use, or lease of motor vehicles taxable pursuant to present law shall be deposited into the Subfund.

New law provides that beginning with Fiscal Year 2024-2025, during any fiscal year, if the Revenue Estimating Conference revises the Official Forecast resulting in a decrease in recurring state general fund revenue for the current year of $100 million or more from the Official Forecast at the beginning of the current fiscal year, the amount of avails deposited into the Subfund pursuant to the provisions of this Section, shall not exceed $150 million for that fiscal year.

New law provides that the remainder of the avails collected for that fiscal year in excess of $150 million shall be deposited into the state general fund.

New law provides that the Dept. of Transportation and Development (DOTD) shall utilize up to 75% of the monies deposited into the Subfund on certain enumerated capital construction road and bridge projects.

New law requires DOTD to utilize an amount not less than 25% of the remaining money deposited into the Subfund on highway and bridge preservation projects included in the present law highway priority program.

New law provides that the money used on the highway and bridge preservation projects shall be utilized on projects authorized pursuant to present law.

New law provides that in any fiscal year, neither the state nor any agency shall issue debt in in excess of $150 million that is secured by any monies deposited into the Subfund pursuant to the provisions of new law.

(Amends R.S. 48:77)

Transfers of State Roads to Parishes (ACT 325)

Present law requires monies appropriated from the State Highway Improvement Fund to be used exclusively by the Dept. of Transportation and Development (DOTD) for funding projects that are ineligible for federal highway funding assistance, based on the road being a part of the state highway system but not a part of the federal system.

New law authorizes the use of funds to compensate a parish or municipal governing authority for the acceptance of ownership of any road on the state highway system that is not a part of the federal system under present law.

Present law authorizes the secretary of DOTD, upon request by a parish or municipality indicating its conditions, willingness, and desire to incorporate into the parish or municipal road system a road on the state highway system and to assume the maintenance thereof, and with the approval of a majority of the legislative delegation from the parish or municipality, to transfer the road from the state highway system to the parish or municipal road system.

Present law authorizes DOTD to provide a thing of value, including but not limited to credits towards future construction projects, payment of

funds, or satisfaction of debt owed to the department. Present law requires a thing of value equal to the amount of the present value of the 40 year projected future maintenance cost of the road to be transferred and may be funded by DOTD as a capital project.

New law authorizes funds transferred to a parish or municipality to be expended on any activity allowed in present law, and authorizes DOTD to execute such agreement with any parish or municipality.

New law requires the state treasurer to credit to the Parish Transportation Fund compensation made available by DOTD directly to a parish or municipal governing authority for acceptance of ownership of any road on the state highway system. New law requires such compensation to be in excess of any funding distributed by the formula under present law.

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

(Amends R.S. 48:196 and 224.1; Adds R.S. 48:752(3))

Regional Maintenance and Improvement Fund (ACT 315)

Present law creates the Regional Maintenance and Improvement Fund and provides that after allocations are made to the Highway Fund No. 2 for the Greater New Orleans Expressway Commission and the New Orleans Ferry Fund, 50% of remaining vehicle registration fees shall be deposited into the Regional Maintenance and Improvement Fund.

Prior law provided that monies in the Fund shall be appropriated to the Regional Planning Commission and used for maintenance and improvements of state highways in Jefferson Parish.

New law provides instead that monies in the Fund shall be appropriated to Jefferson Parish and used for maintenance and improvements along the Westbank Expressway US 90 Business corridor located in Jefferson Parish, including the operation and maintenance of all lighting previously operated and maintained by the Dept. of Transportation and Development.

(Amends R.S. 48:197)

DOTD Design-Build Process (ACT 346)

Prior law provided the qualification process for the Dept. of Transportation and Development (DOTD) to execute design-build contracts.

Prior law required the DOTD to submit projects selected for use of design-build to the House and Senate transportation committees.

New law removes the requirement for the House and Senate transportation, highways, and public works committees approval process.

Prior law required that a notice of intent to request letters of interest for a design-build project be distributed by the department through advertisement on the DOTD website. New law adds that a pool of pre-qualified design builders must remain pre-qualified for up to two years.

Existing law requires all notices of intent to be advertised a minimum of 10 days prior to the deadline for receipt of responses and to contain a description of the project.

New law expands the notice of intent requirements to include the type of work, and adds experience in the type of work as a consideration for the qualifications evaluation committee when evaluating responses to the request for qualifications for design-build services.

Effective upon signature of governor (June 15, 2021).

(Amends R.S. 48:250.2 and 250.3)

Tangipahoa Parish Mass Transit (ACT 141)

Present law establishes the Parish Transportation Fund and provides for specific uses of the fund, including mass transit operating expenses incurred by parishes and municipalities.

Present law provides a list of parishes that receive monies from the fund for mass transit expenses. Each parish included in the list receives a base amount of $75,000 and an additional amount based on population and passengers prorated among the parishes.

New law adds Tangipahoa Parish to the list of parishes that receive monies from the fund for mass transit purposes.

(Amends R.S. 48:756)

DOTD Conditional Death Benefits (ACT 475)

New law establishes as public policy of the Dept. of Transportation and Development (DOTD) the provision of financial security to the families of deceased DOTD workers who suffer death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment.

New law specifies death benefits are conditioned on survivors' waiver of DOTD liability.

New law requires the payment of $100,000 in death benefits to the surviving spouse of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment.

New law specifies that in absence of a surviving spouse, the child or children of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, and that is not the result of an intentional act, will be paid $100,000 in death benefits.

New law specifies that in absence of a surviving spouse, the child or children or the named beneficiary of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, will be paid $100,000 in death benefits.

New law specifies that in absence of a surviving spouse, the child or children, or a named beneficiary, the estate of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, will be paid $100,000 in death benefits.

New law requires that the $100,000 death benefit payment be paid out of the Transportation Trust Fund.

New law requires that all recipients of the death benefit waive all rights to sue the department.

Effective upon signature of governor (June 29, 2021).

(Adds R.S. 48:2211)

TITLE 49: STATE ADMINISTRATION

Monuments (ACT 432)

Prior law provided for the allocation and use of space within the state capitol, pentagon courts buildings, and the Old Arsenal Museum, including the subbasement, basement, and all floors of the state capitol, all buildings in the pentagon courts, and the Old Arsenal Museum.

Prior law provided that, except as otherwise provided in prior law, the superintendent of state buildings will have charge of the management, operation, and maintenance of the state capitol building, pentagon courts buildings, the Old Arsenal Museum, and the capitol complex grounds.

New law makes a technical change in terminology from the superintendent of state buildings to the director of the office of state buildings.

Prior law provided that in the performance of his duties, the superintendent will be under the authority and direction of the governor, the speaker of the House of Representatives, and the president of the Senate.

New law provides that, subject to their joint approval and oversight, the superintendent of state buildings will, among other duties, maintain a memorial honoring law enforcement officers

and firefighters who are killed in the line of duty and a monument honoring the sacrifices of Gold Star Families.

New law makes the terminology change to "director", and additionally requires, subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the superintendent of state buildings to:

(1) Set aside and maintain an appropriate area on the east side of the state capitol on the grounds surrounding the Old Arsenal Museum known as the Louisiana Veterans Memorial Park, for a monument honoring the service and sacrifices of African-American service members, including in the longest siege in American history at Port Hudson during the American Civil War, WWI, WWII, the Korean War, Vietnam War, and Gulf War, Operation Enduring Freedom, and Operation Iraqi Freedom.

(2) Plan, implement, and maintain the monument.

New law specifies that funding sources for the initial construction of the monument will consist solely of private donations, grants, and other nonpublic monies, but that public funds may be used to maintain the monument.

Effective upon signature of the governor (June 21, 2021).

(Amends R.S. 49:150.1)

State Songs (ACT 471)

Prior law designated "Give Me Louisiana" and "You Are My Sunshine" as the official state songs.

New law removes "Give Me Louisiana" as an official state song.

New law designates "You Are My Sunshine" as the official state song.

New law designates "Southern Nights", a musical composition with lyrics and music by Allen Toussaint, as the official cultural song.

Effective August 1, 2021.

(Adds R.S. 49:155.7)

Licensing Boards and Anticompetitive Regulations (ACT 399)

New law provides that occupational licensing boards shall use the least restrictive regulation to protect the public from present, significant, and substantiated harms that threaten public health, safety, or welfare when the state finds it necessary to displace competition.

New law provides that boards and board members participating in the Occupational Licensing Review Program will avoid liability under federal antitrust laws.

New law provides that the attorney general shall have the authority to enter into an agreement to provide active supervision of proposed occupational regulations and proposed anti-competitive disciplinary actions of a state occupational licensing board.

New law provides that participating licensing boards shall pay to the Dept. of Justice (the department) annually the amount set forth in the agreement. New law provides that the dollar amount in the agreement shall be equal to or less than the number of licensees multiplied by 10.

New law provides that participation in the Occupational Licensing Review Program is voluntary and optional.

New law provides that the occupational licensing board shall submit any occupational regulation it seeks to promulgate, together with a report of any public comments received, agency response to comments, and the statement of proposed fiscal impact to the department, before submitting notice of final regulation to the proper legislative oversight committees.

New law provides that the department shall review the substance of each occupational regulation to ensure compliance with clearly articulated state policy and may also consider any other applicable law.

New law provides that following the review, the department shall do one of the following:

(1) Approve the proposed occupational regulation and authorize the occupational licensing board to proceed with promulgation.

(2) Disapprove the proposed occupational regulation and require the occupational licensing board to revise and resubmit the occupational regulation for approval.

New law provides that emergency rules adopted pursuant to the Administrative Procedure Act are not required to comply with new law. New law provides that emergency rules shall not be used to circumvent active supervision of proposed occupational regulations.

New law provides that the occupational licensing board shall submit the proposed action and supporting documentation to the department before taking any anti-competitive disciplinary action.

New law provides that the department shall review the substance of the proposed disciplinary action to ensure compliance with clearly articulated state policy and may also consider any applicable law.

New law provides that following the review, the department shall do any of the following:

(1) Determine that the proposed disciplinary action does not implicate any market competition interests.

(2) Approve the proposed disciplinary action as a proper exercise of state regulatory action in accordance with clearly articulated state policy, notwithstanding possible impact on market competition, and authorize the occupational licensing board to proceed with imposing it.

(3) Disapprove of the proposed disciplinary action and decline to authorize its imposition.

New law provides that all forms of records, writings, accounts, letters, exhibits, data, pictures, drawings, charts, reports, or photographs shall be considered to be in the custody and control of the occupational licensing board. New law provides for public records exemptions.

New law establishes a special fund in the state treasury known as the Department of Justice Occupational Licensing Review Program Fund. New law provides for compliance with existing constitution relative to the Bond Security and Redemption Fund.

New law provides that the fund shall be comprised of monies received by the attorney general from participating occupational licensing boards as compensation for regulatory review activities.

New law provides that monies in the fund shall be subject to annual appropriation to the department solely for the support of occupational licensing board regulatory review activities and general operating expenses.

New law provides that appropriated monies shall be used to supplement the department's budget and shall not be used to displace, replace, or supplant appropriations from the state general fund for operations of the department below the level of state general fund appropriation for the foregoing year.

New law provides that all unencumbered and unexpended monies in the fund at the end of the fiscal year shall remain in the fund. New law provides that the treasurer shall invest monies in the fund in the same manner as those in the state general fund, and any interest earned on such investment shall be deposited in and credited to the fund.

New law provides that an occupational licensing board may require, as a condition of licensure or renewal of licensure, that an individual obtain or maintain certification from a private organization that credentials individuals in the relevant occupation.

New law provides that the Occupational Licensing Review Program shall not regulate the practice of law.

Effective August 1, 2021.

(Adds R.S. 49:260)

Lending of State-Owned Securities (ACT 376)

Present law authorizes the treasurer to engage in securities lending and to engage one or more financial institutions to act as securities lending agents for the state.

New law further defines the term "securities lending" to mean a contract by which securities are supplied to a securities lending agent for a fee and secured by a pledge of collateral with a value equal to or greater than the securities supplied.

New law defines the term "securities lending agent" to mean a bank or a registered securities broker-dealer.

Prior law requires a securities lending agent to indemnify the state for any losses resulting from the default of a borrower. New law requires indemnification for losses resulting from the insolvency of a borrower.

New law requires such indemnification to be in writing and contained in the securities lending contract between the state and the securities lending agent.

Present law requires the borrower to provide collateral, and authorizes the collateral to be in the form of cash, which may be invested in securities authorized for the investment of monies on deposit in the state treasury.

New law authorizes investment of cash collateral in securities authorized for investment for the La. Education Quality Trust Fund or acceptance as collateral of securities authorized for investment for the La. Education Quality Trust Fund.

Present law requires a borrower to provide collateral with a value equal to or greater than 102% of the market value of the securities lent by the state, plus any accrued interest.

New law retains present law with respect to securities pledged as collateral for a securities lending transaction. New law lowers the collateral value that must be maintained for cash collateral from 102% of the total market value of the securities lent, plus accrued interest, to 100% of the total market value of the securities lent, plus accrued interest.

New law provides that if the market value of any securities pledged as collateral falls below 100% of the total market value plus accrued interest of the securities on loan, the borrower must submit additional collateral sufficient to bring the total value of pledged collateral equal to or greater than 102% percent of the total market value of the securities on loan plus any accrued interest.

New law requires the securities lending agent, or the custodian of the collateral securities and the custodian of the securities on loan, to determine the market value of the collateral securities and the securities on loan each business day and report these market values to the treasurer.

(Amends R.S. 49:321.1)

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

Deceptive Solicitations (ACT 269)

Existing law prohibits solicitations by nongovernmental entities for the purchase of or payment for products or services that have a misleading appearance of a La. state government connection, approval, or endorsement and provides for civil penalties.

New law prohibits solicitations by nongovernmental entities to businesses registered with the secretary of state, for the purchase of or payment for products or services, which are in the form of or could reasonably be interpreted as being a bill, invoice, or statement of account from the secretary of state or requiring payment or additional action to remain in good standing as a business registered with the secretary of state.

New law prohibits solicitations by individuals or entities to La. residents for the purchase of a warranty, sent via USPS, an expedited shipping

service, or any electronic means, which use phrases like "final notice", "immediate response requested", or "official notification", except when the solicitor has an existing business relationship with the La. resident.

New law provides that violations of new law constitute an unfair method of competition and an unfair or deceptive act or practice and makes violations of new law subject to the enforcement provisions of the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2021.

(Adds R.S. 51:391(A)(3) and 392)

Equipment Distribution Agreements (ACT 359)

Existing law applies to contracts or oral agreements between any person, firm, or corporation engaged in the business of selling, distributing, or retailing farm, construction, forestry, heavy industrial material handling, and other such equipment and a wholesaler of such equipment, where the retailer agrees with the wholesaler to maintain a stock of such parts.

Existing law includes any purchaser of stocks, any surviving corporation resulting from merger, any receiver or assignee, or any trustee of the original equipment manufacturer, wholesaler, or distributor as a successor of the manufacturer, wholesaler, or distributor.

New law adds partnership, limited liability company, or other business entity to the list of parties to the contract and successors to the manufacturer, wholesaler, or distributor.

Existing law defines "agent" as any manufacturer, wholesaler or wholesale distributor, any purchaser of assets or stock of any surviving corporation resulting from a merger or liquidation, any receiver or assignee, or any trustee of the original equipment manufacturer, wholesaler or distributor. New law adds other business entity as a successor.

New law defines "incentive agreement" as any agreement between the agent and dealer involving the payment of a bonus or incentive payment by the agent to the dealer, or the imposition of a penalty by the agent on the dealer, based upon the dealer's sales within its area of responsibility.

Existing law provides that it is a violation to coerce a dealer to accept delivery of equipment parts or accessories which the dealer has not voluntarily ordered. New law adds that it is also a violation to seek payment for any such equipment parts or accessories, or their return.

New law provides that it is a violation to impose on a dealer:

(1) The burden of proof regarding the terms of the incentive agreement, including the establishment of the location of a piece of equipment's first substantial use.

(2) A penalty for the sale of equipment if the first substantial use is in a location outside the dealer's area of responsibility for agricultural sales, regardless of the location of the seller, or of the customer's residence, office, or operating base.

New law defines "burden of proof" in the context of an incentive agreement to mean that, if a dealer objects to the market statistics provided by the agent in support of a bonus or penalty proposed by the agent pursuant to the agreement, the agent must provide all of the following information:

(1) The name of the entity or individual that purchased the contested equipment upon which the amount of the incentive payment or penalty is based.

(2) Sufficient evidence of the first substantial use of the contested equipment within the dealer's area of responsibility.

Effective August 1, 2021.

(Amends R.S. 51:481 and 483)

La. Manufactured Housing Commission (ACT 29)

Present law requires the Dept. of Public Safety and Corrections, Bureau of Criminal Identification and Information to provide certain agencies with requested criminal history information.

New law adds the Louisiana Manufactured Housing Commission to the list of agencies when the Commission is reviewing applications for licensure.

New law requires the Commission to submit necessary information about licensure applicants to the Bureau in order for the Bureau to make the Bureau's criminal history record pertaining to the applicant available to the Commission.

Present law authorizes the Commission to obtain criminal history record information from the Bureau on applicants for any license issued by the Commission. Present law authorizes the Commission to charge and collect a fee from an applicant to cover the cost of obtaining the applicant's criminal history record information.

New law requires the applicant to submit fingerprints and necessary information to the Commission, who shall submit the information to the Bureau, and requires the Bureau to provide the Commission with the applicant's criminal history record information.

Present law requires the Commission to set continuing education requirements and approve providers and materials for continuing education courses.

New law authorizes the Commission to suspend the continuing education requirements under extraordinary circumstances.

Old law defined a builder to mean a person or an entity that designs, manufactures, or constructs homes, including dealers, developers, manufacturers, and installers, whether or not the consumer purchased the underlying real estate with the home or the builder initially occupied the home as his residence.

New law repeals old law and defines a builder as the dealer who sold the home, the manufacturer who constructed the home or any section of the home if it is a multi-section home, the installer who installed the home, any person or an entity that designed, manufactured, or constructed the home, whether or not the consumer purchased the underlying real estate with the home or the builder initially occupied the home as his residence, or any person or entity licensed by the Commission.

Present law requires the owner to give written notice of defects to the Commission by following certain procedures, and requires the Commission to give the appropriate builder a reasonable opportunity to comply with present law.

New law adds that notice shall be required for each individual home that is defective.

Present law requires installers to attend one continuing education course per year and requires the Commission to set continuing education requirements and approve providers and materials for continuing education courses.

New law authorizes the Commission to suspend the continuing education requirements under extraordinary circumstances.

(Amends R.S. 15:587, R.S. 51:911.24, 912.3, 912.5, and 912.27; Adds R.S. 15, R.S. 51:911.22(14) and 912.21(14))

Leasing of the 4.9 GHz Band (ACT 237)

Present law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to address issues relating to public safety and emergency response, including spectrum.

New law removes the authority to oversee, direct, or manage the 4.9 GHz band from GOHSEP.

New law designates the office under the control of the executive director of broadband development and connectivity (Office) as the lessor of the 4.9 GHz band (band).

New law requires the Office to develop a policy for leasing the band and to ensure that the policy complies with present law.

New law requires the band to be leased using a blind auction method and provides a procedure for the blind auction.

New law provides that the band be auctioned in accordance with the following:

(1) Three portions of the band, each consisting of 10 megahertz of the band, for Priority Access License.

(2) Ten megahertz of the band for General Authorized Access.

New law requires that 10 megahertz of the band be reserved for public safety usage.

New law requires the Office to implement a tiered spectrum-sharing architecture, using an approved Spectrum Access System, that provides incumbent and license holder protection and provides the requisite functions and capabilities of the system.

New law requires the Office to implement a tiered spectrum-sharing licensing model, that provides a "use it or share it" licensing scheme to allow the general public and enterprise to have access to the General Authorized Access license at no cost, when the Priority Access License holder is not using the spectrum.

New law prohibits the Office from auctioning or leasing any spectrum currently in use by an incumbent.

New law allows an incumbent to consolidate spectrum into one continuous band.

New law limits the length of the auction to three years and allows a winning bidder to apply for an additional two years of usage.

New law requires a winning bidder to utilize the awarded portion of the band or submit plans to utilize portions of the band within three years from the date of possession. If the winning bidder fails to utilize or submit plans within three years, the Office regains possession of the awarded portion of the band.

If there are no winning bids, new law requires the Office to attempt to auction that portion again within one year.

New law requires the initial auction to take place on or before June 10, 2022.

New law provides that 50% of the proceeds from the auction shall go to the Office and the other 50% shall go to the parish from which the spectrum originated for public safety equipment.

New law prohibits the Office from auctioning off a portion of the band located in 20 listed parishes within the 2022 calendar year.

New law prohibits the Office from auctioning any portion of the band located in Ouachita Parish to any natural or juridical person.

New law requires auction winners, incumbents, and entities using the band for public safety use to submit reports to the Office before Jan. 1, 2023, and provides the information to be contained in the report.

New law requires the Office to submit a report to the House and Senate commerce committees prior to March 1, 2023, and provides the information to be contained in the report.

New law requires the Office, with the assistance of the Division of Administration, to establish, facilitate, and maintain two separate task forces. One task force shall consider the commercial use of the band and one task force shall consider the public safety use.

New law provides the membership, meeting requirements, considerations, and reporting requirements each task force is required to comply with.

New law requires the executive director of broadband development and connectivity to serve as chair of both task forces.

New law requires both task forces to submit reports to the legislature.

(Amends R.S. 29:725.4; Adds R.S. 51:1371-1376)

Major Events Incentive Program (ACT 216)

Prior law provided that "qualified event" or "qualified major event" includes a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason playoff or championship game.

New law deletes "playoff or championship" and provides that qualified event includes a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason game.

New law provides the monies in the Major Events Incentive Program Subfund shall be appropriated and used to provide funding for entities within the state for the costs associated with attracting, hosting, and staging major events of area-wide, statewide, regional, national, or international prominence only with prior approval of JLCB.

Effective August 1, 2021.

(Amends R.S. 51:2365.1)

Municipal Broadband (ACT 477)

New law establishes the "Granting Unserved Municipalities Broadband Opportunities" (GUMBO) program.

New law provides that the Office of Broadband Development and Connectivity within the division of administration shall administer the GUMBO program.

New law allows a private provider receiving certain types of funds to deploy broadband access to qualify the area for protection by submitting a report of census blocks, shapefile areas, addresses, and portions thereof comprising the funded area. The report is to be submitted within 60 days of the close of the application period.

New law allows the Office to set a different deadline for submission of the report in future program years.

New law limits the Office on how it uses the information submitted pursuant to new law and limits the information that the Office can require an applicant to submit.

New law provides that a provider who fails to submit the report before the deadline shall be ineligible for participation in the GUMBO program, but allows for the provider to protest the exclusion in certain situations.

New law provides a listing of 14 items, required to be addressed in the application, and delegates the Office with the responsibility of creating the application.

New law provides that the burden of proof is on the applicant and describes sufficient evidence.

New law requires the Office to treat information submitted with a protest that is not publicly available as confidential and subject to trade secrets protections of state law if requested.

New law requires applications to be made public, and allows a 30-day period for interested parties to submit public comment and protest where applicable.

New law provides the procedure to be followed in case of a protest, including the burden of proof and the evidentiary requirements.

New law allows for amendments to an application and provides a procedure for amending.

New law allows the Office to deny an application or protest that contains inaccurate information.

New law prohibits the Office from granting funds to an applicant that does not comply with program requirements.

New law allows the Office to utilize speed tests to settle protests and provides the necessary requirements for implementation.

New law requires the Office to treat any information submitted with a protest that is not publicly available as confidential and subject to trade secrets protections provided in present law.

New law provides a procedure for administrative and judicial review, including the steps necessary for a mutual agreement, a settlement by the director, a report from the director, an appeal with the commissioner of administration, an appeal to the 19th Judicial District Court, a review from the 1st Circuit Court of Appeal, and a review by the Louisiana Supreme Court, and civil proceedings.

New law allows the Office to consult with the La. Dept. of Economic Development regarding the GUMBO program.

New law requires the Office to consult with the legislative auditor.

New law requires the Office to create a procedure for point scoring of applications and determining which applicants receive grants, and additionally provides that the Office shall award points based upon experience, technical ability, financial wherewithal, fund matching by the applicant, access to infrastructure, the estimated number of unserved households that will be affected, the percentage of unserved homes in the parish to be served, the number of unserved businesses to be affected, fund matching on the part of the parish, municipality, or school board, and the estimated price to the consumer.

New law requires fund matching by grant recipients and provides details how the funds can be acquired and in what amount.

New law allows a parish, municipality, or school board to contribute to the project in cash.

New law requires an applicant to provide evidence of compliance annually.

New law requires an applicant to notify the office of any change in data caps.

New law requires grant recipients to offer the rate of speed and cost, as indicated in the application, for five years.

New law requires a grant recipient to forfeit the amount of the grant received, if it fails to perform, in a material respect, the terms of the agreement.

New law provides that a grant recipient who fails to provide the minimum advertised connection speed and cost to consumers is required to forfeit any matching funds, up to the amount of the grant received. The Office is required, under new law, to use its discretion to determine the amount forfeited, in these circumstances.

New law provides that a grant recipient who forfeits amounts disbursed under new law is liable for up to the amount disbursed plus interest.

New law provides that the number of subscribers is not to be considered in a determination of failure to perform.

New law makes an exception to the forfeiture requirement for certain occurrences.

New law provides that if the grant recipient fails to perform and fails to return the required funds, the ownership and use of the broadband infrastructure reverts to the Office.

New law designates the Office as the agency for receipt and distribution of state and federal grant funds.

New law requires grant recipients to provide an annual report to the Office and provides the information to be included in the report.

New law requires the Office to submit a report to various House and Senate committees and provides the information to be included in the report.

New law allows the Office an administrative fee of 1% of the federal funds.

New law requires the legislative auditor to review the plan submitted by the Office and make recommendations before the Office can begin administering the GUMBO program. New law outlines the information the Office is to include in the plan.

New law prohibits the Office from considering any new or additional regulations in awarding grants or administering the program.

New law prohibits a municipality from operating as an internet service provider or participating in revenue sharing.

New law provides for reimbursement for grantees.

New law is exempt from the provisions of the Louisiana Procurement Code and Public Bid Law. The Office is responsible for implementing alternate methods for carrying out new law.

New law specifies that all records related to the GUMBO program shall be public records, except (a) a provider's trade secret and proprietary information, including coverage data, maps, and shapefiles; (b) information regarding unserved coverage areas not yet awarded or announced; and (c) applications pending evaluation.

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

(Amends R.S. 44:4.1; Adds R.S. 51:2370.1-2370.18)

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES

Wildlife Violations (ACT 241)

Present law provides for wildlife and fisheries violations and penalties for same under a classification system, where the penalties for Class 1 violations include fines and imprisonment and the penalties for Class 2 violations include fines, imprisonment, and forfeiture of property seized in connection with the violation.

New law removes the criminal penalties from all Class 1 and Class 2 violations.

New law divides Class 2 violations into Class 2-A and Class 2-B violations, provides that penalties for Class 2-A violations include civil fines, and penalties for a Class 2-B violation include civil fines, forfeiture, and the revocation of privileges granted by the Dept. of Wildlife and Fisheries.

Under present law, the penalties for Class 3 violations include fines, imprisonment, forfeiture of seized property, and revocation of privileges granted by the department.

New law reclassifies numerous prior Class 3 violations as Class 2-B violations.

New law provides for new classification of the following violations as Class 2-B violations:

(1) License possession; menhaden

(2) Operation of a commercial fishing vessel without a license

(3) Temporary transfer of commercial gear licenses

Prior law required that trials regarding wildlife violations be heard in district courts of the state, which have original jurisdiction.

New law authorizes the department to bring civil or administrative proceedings for the recovery of penalties assessed for wildlife violations and provides for venue, notice and hearing procedures, appeals, and final judgment, attorneys fees, and dedication of penalties recovered.

(Amends R.S. 56:6.1, 31, 32, 45, 262, 316, 326, 326.5, 410.3, 412, 423, 450, 571, and 1851; Adds R.S. 56:32.1, 303.2(D), 304.2(C), and 305.3(C))

Fishing and Hunting License Fees (ACT 356)

New law extensively restructures the recreational fishing and hunting licenses and their respective fees.

New law provides that any required species specific culture permit shall cost $100 and all other species specific permits shall cost $50, and that mariculture permits shall cost $500 annually.

New law changes the date for when a wholesale/retail seafood dealer can purchase a license for the following license year from October 1 to November 15 of the prior year.

New law prohibits the commercial taking or sale by a commercial fisherman of shark except by special permit a cost of $25.

New law requires the Dept. of Wildlife and Fisheries to offer all licenses and credentials on LA Wallet.

New law requires the Dept. of Wildlife and Fisheries to phase in the changes to commercial license fees, implementing fifty percent of each fee increase or decrease starting on November 15, 2022, and the remaining fifty percent of each fee increase or decrease starting on November 15, 2023.

Present law allows any person born in La. who possesses a valid Louisiana birth certificate to purchase a nonresident temporary hunting license that is valid for five consecutive days for the cost of a resident hunting license. New law adds basic fishing privileges and extends the period for which the license is valid from five days to 10 days.

Prior law provided for severance and excise taxes on skins, by trappers, alligator hunters, and alligator farmers, on shipping or taking own catch out of state, and on oysters, fresh water mussels, clams, and shrimp. New law repeals present law.

New law repeals the Derelict Crab Trap Removal Program Account, a non-resident charter skiff license and $30 fee, examples of wholesale/retail seafood dealers, the retail seafood dealer's license and fee, a limited transfer of net licenses applicable three years from 1995, the Oyster Seed Ground Vessel Permit Appeals Board, fees for promotion and protection of wild-caught shrimp, and mariculture and harvest of mariculture fish provisions.

(Amends R.S. 34:851.20, and 851.32, and amends, adds, and repeals numerous provisions in Title 56)

Lake D'Arbonne Crappie Limit (ACT 187)

Existing law authorizes the La. Wildlife and Fisheries Commission to amend by rule, in accordance with the Administrative Procedure Act, size limits, daily take limits, possession limits, seasons, and times set by law for freshwater recreational fish. New law retains existing law.

Prior law prohibited the commission from amending by rule the limit on crappie in Lake D'Arbonne, unless the department first conducted sampling, collection, and analysis of the data on the fisheries resource in the lake and the sampling, data, and analysis demonstrated that the fisheries resources were being negatively impacted and the department recommended that the limit on crappie in Lake D'Arbonne be amended by rule. New law removes those requirements.

Effective August 1, 2021.

(Amends R.S. 56:325(C))

River Cleaning and Dredging (ACT 368)

Existing law provides that, beginning Aug. 1, 2018, through Aug. 1, 2021, no evaluation or permit will be required for the channelization, clearing and snagging, channel realignment, reservoir construction, or dredging operations for drainage purposes in the Comite River.

Existing law provides that from Aug. 1, 2018, through Aug. 1, 2021, use of a motor vehicle or other wheeled or tracked vehicle on the Comite River is prohibited, except for permitted uses and direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream.

New law extends the exemption from Aug. 1, 2021, to Aug. 1, 2026.

Existing law requires clearing and snagging, and dredging operations for drainage purposes, in Bayou Manchac to be permitted by the Dept. of Wildlife and Fisheries in accordance with the requirements and procedures provided for in existing law.

New law provides an exception to the existing law permitting requirements for those operations beginning May 1, 2021, and extending through Aug. 1, 2026.

Effective August 1, 2021.

(Amends R.S. 56:1855)